

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. January 9th, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. David Graham, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harold Rowe
Mr. Dwayne Theriault
Mrs. Linda Graham
Mr. Steven Theriault
Mr. Jamie Gavel
Mr. Shawn Andrews
Mr. Ebert Balser
Mr. Joey Balser
Ms. Wanda VanTassel
Mr. Leroy Morrell
Mr. Steve Morrell
Mr. Richard Treleaven
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Mark Jeffrey, CLC Member, Mr. Brian Cullen, CLC Member

Ms. Nesbitt noted that the agenda for this meeting is open and that anyone is welcome to address any questions or concerns they may have at this time.

The minutes of October 24th, 2002 were approved with the amendment that comments pertaining to the bond, the Proponent and Clayton Concrete were attributed to Miss McCarthy on page 2 of the October 24th, 2002 minutes. These comments were made by Mrs. Lynyak and not by Miss McCarthy as stated.

Ms. Harnish motioned that the minutes of November 21st, 2002 be approved as distributed.

Ms. Nesbitt asked Mr. Buxton at what stage in the proceedings is the Proponent.

Mr. Buxton replied that the process is continuing and an application has been mailed under the Navigable Waters Protection Act. He noted that this will likely trigger a Canadian

Environmental Assessment (CEA). He further noted that there is a possibility that the Proponent will file a joint application, a Provincial and a Federal application for the Environmental Assessment process instead of a Provincial process for the land base quarry and a Federal process for the marine terminal. It is hoped that within 45 – 60 days the Proponent will know all of the terms of the CEA. It is anticipated that much of the material that has been covered is sufficient but whatever has not been covered will be covered and the document package will be put together.

Mr. Buxton noted that if this direction is taken it will mean a slightly different process. He noted instead of looking at the procedure for the Provincial Environmental Assessment Act and the procedure for the Federal Act there will be a combination of the two and the CLC will be made aware of what this process is. He noted as a whole this is where the project stands.

Mr. Buxton noted that the Socio Economic Study has not been completed at this stage and as mentioned at the last meeting he referred to being at the back end of the census material from Statistics Canada. The new material has not yet been released for 2002 and will likely not be available until June or July of 2003. The other studies are either complete or being completed in regards to the land base quarry.

Mr. Buxton noted that Federally speaking the Proponent has a good idea of what is needed but until the Federal-scoping document is received they cannot be sure or proceed much further.

Mr. Buxton circulated 2 preliminary drawings that indicated the scale/scope of the marine terminal and the loading facility as seen at this time by the Proponent. He noted that many details have not been finalized as yet and at this stage these details are not needed.

Mr. Buxton noted the loader is a quadrant loader, the ship will pull along side and the loader will move in a circular manner to fill the holds. He further noted that the new loading facility being built in Hantsport is planning to load in 4 hours at approximately 9 – 10 thousand tons per hour. This port is dependent on the tides in that area.

Mr. Ivens asked if this will fall under the same DFO guidelines.

Mr. Buxton replied yes. He noted there are a number of ways to trigger a CEA or a study by the environmental assessment branch to determine if you are required to do a full environmental assessment. I.e. if explosives are stored on site, erect a tele-communications tower, or build a wharf, these will trigger a CEA and they will advise you what elements they expect you to cover.

Mr. Ivens asked when they do an assessment will they come to the Proponent to see what information has been covered.

Mr. Buxton replied the Proponent files a project description which sets out everything the Proponent is going to do. This description will also set out what the Proponent thinks are some of the issues of interest to various government departments. Fisheries, etc. It will indicate that we intend to deal with those issues. The joint process is not as straight forward as that so essentially the Federal and Provincial governments will produce a document that sets out issues they feel needs to be covered and all the points addressed. The Proponent is aware of a lot of these issues and if those items haven't been covered they will be.

Mr. Ivens asked if each province, if the Federal government has a checklist they will follow.

Mr. Buxton replied yes, it will get circulated to all the departments that might be concerned. Fisheries Habitat, Environment Canada, Natural Resources. Federal and Provincial would be

notified and asked what their concerns are and what would they like to see addressed in the scoping document.

Ms. Nesbitt asked if this goes the way the Proponent wants how soon does Mr. Buxton see this project getting underway, when would hiring and construction of the marine terminal begin.

Mr. Buxton replied that is a hard question to answer. He noted that if you look at the Provincial process with no marine terminal involved in this project the Proponent would probably be in a position to file a Registration of Undertaking document by mid-February. He further noted that the various government departments have a specified number of days to comment and respond. This is a very formalized process and the Federal government does not have this kind of process in place, the Federal process is not detailed in the same way nor is it specifically time lined.

Mr. Buxton supposed that if a joint document was completed by June the approval procedures through both the Federal and Provincial governments would be longer than just the Provincial government, possibly 6 months. In terms of construction of a marine terminal this would probably not commence in the winter months, possibly in the spring of 2004. The quarry itself can be done during the construction of the marine terminal.

Ms. Nesbitt asked if there were any other questions.

Ms. VanTassel noted that she is here to listen and observe and eventually ask questions.

Mr. Buxton invited her to ask her questions. He noted that a lot of material has been covered in the last 5 or 6 meetings but he will repeat any information.

Ms. VanTassel asked if the Proponent is planning to expand the area where they are located or will they acquire other land further up the Neck or will they remain in the one area.

Mr. Buxton replied that the company has a lease on a 370-acre lot. He noted within that area a 10-acre site is already permitted but that there are large areas of the 370 acres, which at the moment cannot be blasted because you cannot blast within 800 meters of any existing foundations. He noted that they can quarry but not blast in these areas. He further noted that within the 370 acres it is estimated that there is a 30 – 40 year supply and the company intends to ship 2 million tons per year of crushed rock to the Eastern seaboard of the United States.

Mr. Buxton noted that if the Proponent can acquire buffer areas they will do so. He noted they have not looked at other areas outside of the Whites Cove area nor do they intend to look. He noted that their demand is for about 2 million tons per year to be used in their own operation.

Mr. Buxton noted that there is nothing preventing any entrepreneur from acquiring land on the Neck on either side of the mountain and applying for a 10-acre permit. He noted that it is a relatively straight-forward process, there is no public consultation involved, it takes 60 – 90 days to get a permit, the permit application fee is small and the smaller quarries could be visible. He further noted that there is nothing to prevent that, but the reality is that there is no demand for the product.

Mr. Buxton noted that there is a small demand for crushed rock for sewage treatment beds, driveways, etc.

Mr. Buxton noted that the real issue is what are you going to do with the rock because the cost to truck it is too high, it is not competitive. He noted unless you can ship it no one will produce it.

Mr. Buxton noted generally a marine terminal is approximately \$15 million and that no one will build a facility of that scale and scope to ship out one ship per year. He noted that this is the control and for those people that say there could be quarries all the way up the Neck, technically they are right if they are talking about 10 acre quarries. The question should be asked what are you going to do with the product. Perhaps it is cheap to get a permit for a quarry but it is not cheap to set up a crushing operation with all the equipment necessary. If you are going to produce crushed rock you better have somewhere to sell it fairly quickly. Mr. Ivens asked what is the cost of the land based equipment and machinery. I.e. The crusher.

Mr. Buxton estimates \$4 – 5 million for the mobile equipment and \$4 – 5 million for the crushing equipment.

Mr. Ivens asked would this be a \$20 million operation.

Mr. Buxton replied \$25 million plus. He noted that a mobile loader alone would be close to \$1 million and the operation cannot operate with just one loader because a breakdown would shut down the entire operation.

Mrs. Graham asked if the company is looking at or have they already bought other parcels of land on Digby Neck.

Mr. Buxton replied if the question is has the Proponent bought the answer is no. If she is asking if land to provide a buffer became available the answer would be yes. He noted that this is not to expand in a North-South direction but to provide buffer strips.

Mrs. Graham noted the Proponent is in Whites Cove and asked if there was land in Centreville, Gulliver's Cove and a piece in Broad Cove being bought.

Mr. Buxton replied no, they would be pieces or parcels immediately adjacent to the quarry. He noted that other people may buy but the Proponent's demand is for 2 million ton of crushed rock per year for their operation and this can be satisfied at Whites Cove.

Ms. Nesbitt asked if the Proponent would purchase buffers prior to the Federal and Provincial approvals.

Mr. Buxton replied if they became available yes.

It was asked if this is a full operation how many people will be employed.

Mr. Buxton replied the present business plan for the operation states they will employ 31 people in two shifts. The first shift will include 17 people; the second shift will include 14 people.

Ms. Nesbitt asked if this will include employees for the wash water and sedimentation pond areas. She is aware that it does not include the staff in Digby office.

Mr. Buxton replied no it does not include the office staff but for ongoing work yes. He noted for example if a major clean out of the sedimentation pond was done it is probable they would hire a local contractor to do this. He noted the staff he is referring to are people who would be continuously on the payroll of Global Quarry Products. He further noted that local contractors would be hired for the construction of the quarry site, drainage ditches, environmental controls, etc.

Mr. Buxton replied yes when asked "will the people who will be taken on be full time year round basis as full time employees." There may be others hired through other contractors to do specific items of work, such as drilling and blasting. He noted that they will hire a professional organization such as DynoNova to drill and blast and they will not appear on the Global Quarry Products payroll.

Ms. Nesbitt asked of the 31 people hired will they look first in Digby County and will you train them for job specific work.

Mr. Buxton replied yes and noted as per the applications on file there should be no problem staffing the quarry. He noted that a few key people may be required, as a crusher operator cannot be trained in two weeks. He further noted that the only person that will be hired from outside is the official quarry manager, Mr. John Wall.

Mr. Buxton noted that there is no reason to go outside the immediate area. For machine operators, tradesmen, electricians this should not be a problem, for senior crusher operators they may or may not be able to hire locally. He noted that they could possibly hire someone and have a local trained to take over.

Mr. Graham noted that a man from Weymouth may apply for the crusher position.

Mr. Buxton referred Ms. VanTassel to the property map as shown by Ms. Harnish for the areas in the south that the Proponent would always be precluded from blasting in.

Mr. Buxton asked if there were any other concerns.

Ms. VanTassel asked if the 31 people employed will be year round as she had heard it would be seasonal work.

Mr. Buxton replied that during the coldest weather of the year they may shut down for 2 – 3 weeks and during this time perform the maintenance work. Otherwise it will be full production. He noted that the size of the equipment is based on the shipping contracts and a regular process of reasonable production. He noted that he is not aware of what the weather of 2005 will be and that more damage to the equipment could result from –20 weather than production. That aside it will be a full time operation and generally, construction people do not take vacations in the summer months.

It was asked what type of crushers would be used.

Mr. Buxton replied from a preliminary perspective but if he is interested a meeting can be arranged with Mr. Wall to discuss this aspect. Mr. Wall will be selecting the crushers.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that he does not mind if questions are repeated.

Mrs. Graham asked if any proof of the cemeteries had been provided by Miss McCarthy or any other individuals.

Mr. Buxton replied that nothing had been submitted to the Proponent. He noted that they have asked for this documentation and the archeologist has completed his fieldwork but not his report. He further noted that nothing has been submitted to the NS Museum as they have requested the information as well.

Mr. Buxton noted that the issue is a technical legal issue and a social historic issue. When you buy land in Nova Scotia and the deed does not show a cemetery then paraphrasing the Cemetery Act there is none. He noted that this is not to say there are no graves on the property but if there are graves found there is a procedure to follow. You contact the coroner's office and follow the process set out in the Cemetery Act.

Mr. Buxton noted that they will respond if anything is found but he is puzzled as to why if there are existing cemeteries in Little River, Centreville, Sandy Cove, etc. why people would be buried in Whites Cove.

Ms. Harnish noted that she has been on a lot of property with graves.

It was asked are they marked as cemeteries.

Ms. Harnish replied no.

Ms. Nesbitt asked what is the average soil depth in Whites Cove.

Mrs. Carty noted that Miss McCarthy stated that she had found gravestones on the property. Mr. Buxton replied that he had not heard that.

Mr. Buxton noted that adjacent to Whites Cove there is a level area of 3 – 4 acres which is marked on the map as a quarry. It is understood that material from here was removed during the 40 – 50's and the level ground has all been disturbed. He further noted that if there had been a grave in that area it isn't there now as it has all been disturbed. As you go up the escarpment the grade is 45 - 50° and where there is a level area the soil is approximately 6" thick, there are no graves there because you can see the basalt outcrop. There may be areas immediately adjacent to Whites Cove Road towards the bottom where there might be 4 – 5' of soil but much is virtually bare. He further noted that there were fish shacks there but as to a village, we have no evidence of that.

Mrs. Angrignon replied that the area is too exposed.

Mr. Graham asked if the land would have been divided or one parcel.

Mr. Buxton replied there is evidence of parcels, possibly farms (sheep) on those areas.

It was asked if these were separately parceled lands back then.

Mr. Buxton believes there were and a review of the map shows a parcel by the old gravel pit.

Mr. Graham noted from the deeds they had viewed people didn't have little parcels here or there, they had 200-acre lots.

Mr. Buxton agreed that these were long strips that would have gone from the road to the shore; they were Loyalist strips of land.

Mrs. Angrignon asked where is the top of the mountain.

Mr. Buxton referred to the map and indicated this for her and the various strips.

Mr. Buxton asked if anyone had heard of a village or dwellings in that area.

Mr. Theriault (?) replied he had been there when he was 10 years old (55 years ago) and there was nothing there at that time.

Mrs. Carty noted that her father-in-law who is 92 years has stated that no one actually lived there.

Mr. Buxton asked where is the story of the village coming from.

It was noted the wharf is being built and that a 600' ship will be tied there. It was asked how will this be maintained with north west gales half of the winter. How are you going to build a solid structure?

Mr. Buxton replied that there are concerns about this and that they hope to have the ship come in, load very quickly and leave. He noted the ship will not be there for 3 – 5 days.

It was asked if it is blowing a gale he won't come in.

Mr. Buxton replied he won't come in and if there is a very bad weather forecast he won't even leave New Jersey. He noted that the weather forecasts are sufficiently accurate to predict sailings. He further noted that they would need one week of clear sailing to come up, load and return.

It was asked if they will stock pile until the weather is good to come in.

Mr. Buxton replied yes. He noted that the details of the dolphins are not completely established, a rough cost and design has been done based on 7-meter waves. It may need to be designed for 9 meters. He further noted that wave energy studies are expensive and that it is not just the reach across the Bay of Fundy that must be considered but also the reach across the Atlantic where swells can magnify and reach across the Bay of Fundy. They may need to revise the design for this; they may need larger pipe piles than estimated now. In terms of increasing the cost it may increase it by 10%.

Mr. Buxton replied that his understanding is that captains of ocean going vessels are experienced mariners and they don't come in unless it is safe. If the ship is not completely loaded and the captain gets a bad forecast or the waves come up they will leave with ½ a load.

Ms. Nesbitt noted that if the peak production will occur in the summer we don't have those kinds of conditions very often in the summer.

Mr. Buxton replied this is true to some extent, but he noted that land in NY and NJ is very expensive and you cannot stockpile rock there. Within limits there will need to be a fairly regular supply of rock throughout the year. During bad weather the production of concrete goes down so demand will decrease but once spring arrives the demand will increase so it will be necessary to have a stockpile ready and be alert on getting ships in position to ship at that time.

Ms. Harnish asked if there is any word on when the test blast will take place.

Mr. Buxton replied the Proponent is not interested in doing it at this time of year, as the environmental controls cannot be put into place with high snow levels. It will probably take place in the spring, as there is no urgency at this time. He noted that the CLC will be invited to attend the blast.

Mr. Buxton noted the new faces at the meeting and asked if there were any new questions.

Ms. Nesbitt asked if there were any questions.

It was asked if all of the adjoining landowners are against the quarry.

Mr. Buxton replied that he can't answer that but he would guess the majority are opposed to it. He noted that some have made it clear that they are opposed and some have attended meetings and asked questions. He further noted one of their principle concerns is water supply and quality.

Mr. Buxton noted that at the last meeting the hydro geologist had attended and presented their findings. He noted that essentially they see no problem with the issue of quality of water, as the water in the quarry will always flow from an east-west direction. Since the wells are on the east side there is no water from the quarry site that will get over to Little River Road. In terms of quantity, there may be 19 wells we ought to be concerned about but at this stage it is unsure whether they are drilled, dug, spring or shared wells and there would only be a concern if it were a drilled well. Dug wells into the glacial till would not be affected by blasting. What is needed to do is to do a pre-blast survey of those wells providing people will permit so that we can find out the quality and quantity of water they are presently drawing. We will drill monitoring wells higher on the mountain so we can monitor over a long period of time and see whether we are drawing the water down on the east side of the water shed. If it goes down then ultimately in 10 years time there could be a problem and we can do something about it by deepening wells, drilling new wells, etc. In terms of distance away, 1 km, Little River or other communities it is not believed that there will be an effect on water quantity or quality. The average quantity of a drilled well in that area is about 8 gallons per minute and an average household requires ½ gallon per minute. If it dropped from 8 to 7 you wouldn't notice the difference. A problem would be noticed if you dropped to ½ per minute or below. Because there will be monitoring wells we will know in advance if there is a problem and because of the pre-blast survey having been done it will be very clear that the operation of the quarry caused the problems with the wells and we will have total liability and we will have to drill new wells which we are prepared to do.

Mr. Buxton noted that water was one of the principal concerns of people that had attended the meetings and if you look at it on a question of scale a drilled well is \$5 – 8000 depending on how deep and if 10 wells were affected over 40 years, that is \$80,000. Our investment would be \$25 – 30 million. A well can be drilled in 2 days.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that apart from Mr. and Mrs. Graham whether there was anyone here from the tourism business as this was another concern raised. He noted that it has been stated that the quarry will “devastate the tourism industry on Digby Neck and the Islands”. If anyone has any commentary on that he would be pleased to hear it recognizing that you can’t see the quarry from Highway #217 so if you drive down you would never know it was there.

Mrs. Angrignon replied that the quarry might become an attraction.

Mr. Graham noted that they paid \$5 to go look at an abandoned mine out west.

Mrs. Carty noted that a news article printed in the United States from a couple that had visited Digby and they talked about the sign they encountered on Hwy #217 calling the quarry ground zero and it was noted that they were highly insulted by the sign.

Mrs. Angrignon asked if ground zero is a definition of ongoing construction.

Mr. Buxton replied it originates from Hiroshima and refers to the calculations of damage, injury and death associated with the dropping of an atomic bomb so it has become associated with the center of impact of a disaster, hence the Twin Towers was given the same designation.

Ms. Nesbitt replied she had also heard comments in her store.

Mrs. Carty asked if the sign is still up.

It was noted that Mark Dittrick received permission to paint the signs in Digby referring to bomb loads.

Mr. Buxton urged people to ask questions at these meetings with respect to any information they hear. He noted that the Proponent is trying to put out accurate information and that a newsletter will be distributed with accurate information that can be checked either through the Provincial, Federal government or other sources. He noted that it is easy for people to make loose statements but the Proponent cannot and it has been difficult to defend and take a position before the necessary studies have been done.

With respect to the sign at Digby it was noted that 55,000 lb blasts had been suggested where 7 – 10,000 lb will be typical.

It was noted that their number was a bit off.

Mrs. Carty asked if the newsletter will be going out to everyone in the general area.

Mr. Buxton replied it will go to everyone on Digby Neck but if she has advice on whether it should go to the Weymouth side then we would be happy to hear it.

Ms. Harnish noted that she had heard opposition to the quarry from Weymouth.

It was asked if the minutes were posted to the Municipal website.

Mr. Buxton replied that the approved minutes are posted there.

Mrs. Carty wondered whether the opposition will read the minutes or the newsletter. She noted the trash she gets in her mailbox from the opposition. She noted that the lies they tell and the stories are so foolish, are they going to listen to the truth.

Ms. VanTassel replied that is why people come to the meetings to hear everybody, to decide for themselves.

It was noted that the problem is that people that are not coming to the meetings and are writing that stuff on the walls don’t know the facts.

It was noted that they are not backing their information up.

Mrs. Angrignon asked if she will receive a copy of the newsletter because she receives her mail in a mailbox in Digby.

Mr. Buxton replied that the newsletter will go into the mailboxes in Digby.

Mr. Ivens noted that the biggest fear he has heard is you can't let a company come in here because you can't trust them. An American company is even worse and he asks what part can't you trust but it is just said you can't trust big business.

It was noted that perhaps they are not using enough of the government's money.

Mr. Buxton replied that big businesses have had a lot to answer for in recent years. Corporate accounting problems and other issues and there is something in that and he would counter this by saying that the buyer of this material, the company with the most major interest is a family owned business, there are no shareholders, the business was established 50 plus years ago and they have a very high reputation, which is easy to determine for yourself.

Ms. Nesbitt replied that she had called the EPA and obtained information on Clayton Concrete. She discovered that they make 400 types of products and have won many awards. She noted that their company website is very interesting with a great deal of information.

Mr. Buxton noted that anyone can check it out themselves and he noted that the information may be considered tainted if he puts it forward.

Ms. Harnish asked what is the website address.

It was noted that a search for Clayton Concrete would provide that for her.

It was asked did they get much hassle with regards to shipping and the Right Whales.

Mr. Buxton replied that this is a significant issue.

It was noted that they are changing the shipping lanes.

Mr. Buxton replied that he is aware that the document had been signed but that this does not affect the Proponent because the shipping lanes shift after you pass Whites Cove. He noted that the lane change will probably not affect the Proponent and that the ship will come in the same way. He referred to the statement that there will be a reduction of ship/whale impact and believes this may be so, it may help. He further noted that the number of ships they would operate in a year would be approximately 40 –50 ships and this is a small percentage of the total ships in the Bay of Fundy. He noted if you add major vessels to fishing boat and ferry traffic over a period of time, a plot is totally covered with ship movements according to the satellite charts. We need to be cognizant of that fact.

Mr. Buxton noted that with respect to blasting, there will be observers onshore with high-powered glasses to make sure that there are no seal, whale, or dolphin within a wide zone before any blasting goes off.

It was noted that the seals in the Bay will probably come right up onshore.

Mr. Buxton replied that one of the concerns received from DFO is what if anything are you going to do with the seal colony at Whale Cove which is approximately 3 miles away. They are not sure how to answer that question because the vibration rate from a 100-pound blast at 1120 meters would be less than 1-meter per second vibration rate. At 3 miles away it would be zero. He further noted that the Proponent will have to address those questions for DFO in addition to marine mammals specifically and pelagic fish and also whether blasting affects the lobster ½ mile out. The issue of noise with respect to marine mammals has been raised and will have to be addressed.

Mr. Buxton noted that it is said that whales can be upset by noise but the literature is obscure because whales emit sounds in excess of 180 dBA, enough to severely damage human eardrums. How do we address that if we are emitting 50 – 65 dBA?

It was asked if this would only be on site not 3 – 4 miles out where a whale would be, not underwater.

Mr. Buxton replied that is correct, but it is going to be an issue. He noted that people have asked the committee will the noise affect the herring. I.e. when a ship comes in and when you first start loading the rock it is dropped into an empty hold, the noise will be transmitted through the water is that noise going to disturb the herring.

It was asked if they would be loading at night.

Mr. Buxton replied they could be loading the ship at night.

It was noted that herring only come in during the night.

Mr. Buxton noted that this is the sort of issue that the Proponent will have to address under the CEA and for some of these issues there is little or nothing in the literature in order to answer these sorts of questions.

Mr. Buxton noted that it has been asked does blast vibration or noise affect clams.

Mr. Ivens noted that some people are concerned about this.

Mr. Buxton replied it may be a legitimate question but how do we establish that. With lobsters they may need to maintain a lobster cage and examine them periodically and make sure that there are no effects from our activities onshore. A cage of pelagic fish could be kept as well in order to monitor the effects over a period of time. He further noted that because there is no literature these are the kinds of things that the Proponent may have to do.

It was asked how much noise there is while driving a weir on the bottom of the Bay.

Mr. Buxton noted that the office in Digby is open, has accessible parking and that anyone is welcome to drop in and ask questions. If he is not available questions may be left with Ms. MacAlpine. He noted if there is a specific item anyone would like discussed at the meetings it would be better to advise ahead of time and the information on any topic, acceptable to the Chair and the Committee can be presented. He further noted the CLC is not a cheering society for the quarry and there may be members who do not support the quarry but they are a group who have indicated they are prepared to get accurate information out to the public, to get questions from the public and have them answered. People can come to the meetings and are encouraged to do so. If a question is asked the answers will be provided.

Ms. MacAlpine noted that there are job applications available at the office.

Mr. Buxton noted that the question had been asked about whether the quarry could be staffed from the local area and he advised that they are taking applications now although it will be a considerable time before this gets going.

Ms. Nesbitt asked if there were any other questions.

Mr. Treleaven asked when the Environmental Study is done what types of risk assessment technology will you be using and presenting.

Mr. Buxton replied different ones for different elements of the assessment. He noted that you can't establish one for the whole thing because the level of certainty is different from each investigation.

Mr. Treleaven asked if you have a level of certainty for each element then you have a combined risk assessment.

Mr. Buxton replied with each aspect we will make an assessment whether there is a positive, negative, or neutral effect. For example, esthetics, because you can't see it from Hwy #217

then the effect is neutral because you can't see it, it has no effect. But from the Bay of Fundy the effect is negative because you can see a quarry. You look at the duration of the effect, is it a short, medium, or long term effect. You look at the scope, is it a local, regional, national or international effect so that each one of the elements will be defined in that way. Each element will be dealt with that way and if there is a negative impact how do we mitigate that. In the short term we can't mitigate the esthetics but in the long term it can be mitigated because we have to rehabilitate it.

Mr. Treleaven noted that he was more concerned towards the risk element. For example, lobsters coming to shore and what is the risk of that happening. If it does happen what will you do to mitigate that.

Mr. Buxton replied that we will be asked questions on which there is no information available worldwide and we have already been asked those questions. How do we deal with those? Certainly by a comprehensive worldwide literature search to see if there is an effect. If there is no literature and there is no evidence anywhere in the world that that has ever been a problem or that there has ever been damage then in our view the risk is low. It could be the case that we might carry out a monitoring operation of some kind to put that issue to rest. These are some of the issues, the questions that have been asked and this leads into how far does the level of concern go.

Mr. Treleaven realizes that these are judgment calls and recognizes the difficulty of this.

Mr. Buxton replied that you will be able to see the results of the study, the impacts, the level of mitigation that is required and the risk of these things happening. He noted that there is a lot of information available regarding blasting and blasting underwater which was done by the Canadian and US Navy in connection with trials for their armaments and there is a vast amount of information available from when the major offshore oil platforms were constructed off Newfoundland as there was blasting on land and in the water.

Mr. Treleaven asked what is the probability of ballast water polluting and what happens if it does.

Mr. Buxton replied that that is one of the issues they will be dealing with.

Mr. Treleaven replied that he is hoping that this issue will be dealt with.

Mr. Buxton replied that Mr. Treleaven will probably find that the CEA process is a far-reaching process, they don't miss much and it will have to be very thorough in order for it to get through the process. He noted that if people have particular issues they can bring them to the meetings and we will share the feedback.

Ms. Nesbitt asked if there were any other questions.

Ms. Nesbitt asked when the newsletter will be sent out.

Mr. Buxton replied that the newsletter had gone to the printer today so it should be sent out Monday or Tuesday of next week. The newsletter will be a series of newsletters with information and facts called the Whites Cove Newsletter and the first one will advise who is the Proponent, telephone numbers, CLC members, what the project is, the level of permitting. There will be perhaps 6 – 7 newsletters dealing with issues and relaying accurate information.

Ms. MacAlpine noted the first letter is an introduction fact sheet.

Mr. Buxton replied it introduces the project.

It was asked if they will be available at the Municipal office.

Mr. Buxton replied it will be mailed to mail boxes on the Neck and Digby and possibly Weymouth.

Ms. MacAlpine noted it will be available in the Digby office.

Mr. Buxton noted copies will be forwarded to the Chair.

Ms. Nesbitt asked if Mr. Buxton would provide a copy of the preliminary terminal design to the CLC.

Mr. Buxton replied that the CLC members can view it but because it is a preliminary drawing he is reluctant to distribute it. He noted the intent is to trigger a CEA. He noted other preliminary information that has been submitted and has been attacked but if CLC members wish to look at it copies will be available in the office because it is an unfinished design.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 8:50 pm.

Next meeting date is January 30th, 2003 at 7:00 pm at Rossway Community Center.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. January 30th, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harvey Peters
Mr. Roy Stubbs
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Mark Jeffrey, CLC Member, Mr. Brian Cullen, CLC Member, and Mr. David Graham, CLC Member

Ms. Nesbitt noted that the minutes of January 9, 2003 would require review and she asked if there were any other comments or concerns regarding these minutes. She noted that these minutes will be approved at the next committee meeting in order to allow for any changes. Amendment 1 - page 8. It was noted that FDA should read "EPA."

Ms. Nesbitt noted that any changes could be forwarded to Ms. Sanford.

Ms. Nesbitt noted that she had no comments at this time. She noted that there are some rumours circulating and that Mr. Buxton could possibly address them over the course of the evening.

Ms. Nesbitt asked Mr. Buxton where things stand, how they are progressing.

Mr. Buxton replied that there has not been a great deal of change from the last meeting. He noted that a project description, which defines the project from both the Federal and Provincial perspective, has been drafted and will likely be submitted on January 31, 2003. He further noted that the procedure from this submission is that the Federal officials mostly through DFO, their Environmental Assessment Branch but also from Environment Canada and various other agencies, Provincial government through Environment & Labour and Natural Resources and any other interested agency between them will draft a scoping document, which will set out all of the areas which they think need to be covered in an Environmental Assessment process under a joint submission. The Proponent believes that a lot of this work is done and that by the time the scoping document is received that 90% of

this will be completed. The scoping document can then be used as a checklist and it will be reviewed to ensure that all the ground is covered for the various elements. A draft (joint submission) will probably be filed and the Proponent will then wait for comments from the Federal and Provincial government and all of the other agencies. The Proponent will then file a final submission and the review by the Federal/Provincial agencies may take 4 – 5 months before the necessary approvals are issued.

Mr. Buxton noted that he had advised the committee at the previous meeting that it would be later in the year before the permits were in place and by this time it would be too late in the year to begin construction. He noted that when these permits are in place the Proponent would need to do a detailed design of the marine terminal which will entail two months work and the contractors will also need to be lined up for an early start in 2004.

Mr. Buxton noted that this is the timing as seen at this point.

Mr. Ivens referred to where the boat would dock and asked if this structure is called dolphins.

Mr. Buxton replied yes they are dolphins.

Mr. Ivens asked if this structure had to be built before the quarry.

Mr. Buxton replied at the same time.

Mr. Ivens asked if this was not an unordinary type of structure.

Mr. Buxton replied that there is a structure in Sydney, which is on or adjacent to the Sysco Property, and it is virtually identical to the proposed design. He noted that that structure has three dolphins and a large loader used for loading coal and was built about 9 years ago. He further noted that there are others in Newfoundland and that there is one, which is virtually identical in British Columbia with a quadrant loader.

Mr. Ivens noted that he was curious about this and that he wondered if this was not something that would need to be studied for a year to see if it would work or not.

Mr. Buxton replied no. He noted that the advantage with steel piles and pile caps is that it is not a solid structure so less of the seafloor is disturbed and it also enables the currents to flow through. He further noted that a big blocking wall would not be put out into the water that would prevent flow along the shore, the water flows through the piles.

Mr. Ivens noted that he had seen wharfs blown apart by the waves coming up from underneath, from the hydraulic pressure.

Mr. Buxton noted that the preliminary drawings are based on 36" steel piles which would be angled leading into the waves with a pile cap on top. He noted that there will be a big concrete pile cap possibly 50' x 50' and the smaller ones perhaps 35' x 35' and a mooring buoy on each side. He further noted that with a quadrant loader the ship does not need to move along the wharf in order to be loaded, it would come in, tie up and stay in one place. The loader swings and loads each of the holds.

Mr. Peters asked if this would be similar to Hantsport.

Mr. Buxton replied yes but the Hantsport one has two conveyors, which load 8 – 9000 tons per hour. He noted that the Proponent does not need to do this in Whites Cove as they are not as restricted by the tides as they are in Hantsport.

Mr. Buxton noted that they would probably load 5000 tons per hour.

Mr. Peters asked Mr. Buxton if he knows if Mark Lowe has anything to do with this quarry.

Mr. Buxton replied that Mr. Lowe is an entrepreneur, a local Nova Scotian, who introduced this area, this piece of land to other people who formed Nova Stone. He noted that he is unaware of what his interest is but it may be a residual interest.

Mr. Buxton noted that in order for a project of this magnitude to work you need a very secure market, as the total capital costs will approach \$30 million. He noted that the Municipality, the Provincial and Federal governments have not been approached and will not be approached for funding either in tax deferrals or capital funding.

Mr. Peters asked where the money is coming from.

Mr. Buxton replied that he would continue with his answer. He noted that in order for anyone to put up money of this magnitude you have to have a great certainty of the market and that one of the participants is the largest producer of concrete in New Jersey, Clayton Concrete. Mr. Buxton noted that Clayton Concrete requires 2 million tons of crushed rock per year for their own operations. He noted that the approximately \$30 million will come from Clayton Concrete.

Mr. Buxton asked the question does Mr. Peters think that any local entrepreneur has \$30 million to spend on this facility.

Mr. Peters replied he does not believe so.

Mr. Buxton noted that an individual entrepreneur can earn finders fees, royalties or can be bought out. He noted that entrepreneurs wildcat most mines, quarries or oil wells with no money, that they find a source of rock, ore and oil and they stake it. He further noted they then try to find a major company to develop it and they may sell their interest in it or take a royalty.

Mr. Buxton suggested that local people who are involved are of that sort as this is a very large capital intensive project.

Mr. Buxton noted that this project needs a company that has vertically integrated their operation and that is what Clayton Concrete is doing. He noted they produce the concrete, they have sand and run their own sand pits but they do not have what they consider a secure source of good quality rock, which they can control, and they want to do this.

Mr. Peters asked what about the noise level when they crush the rock 24 hours per day.

Mr. Buxton replied that it has not been stated they would be crushing rock 24 hours per day.

Mr. Peters asked about what about 12 hours per day.

Mr. Buxton replied that they will possibly crush from 6:00 am until 10:00 pm and that there are sound levels, which cannot be exceeded stipulated in the terms and conditions of the quarry permit. He noted that during daylight hours the noise level at the property line cannot exceed 65 dBA and in the evening they cannot exceed 60 dBA.

Mr. Peters stated that he lived 4 ½ miles from a quarry and that he could hear the crushing from that quarry.

Mr. Buxton replied that regardless of the noise that one has heard the stipulations are clear and if they are exceeded the Proponent is in violation of the permit. He noted that the property line is probably 500 meters from the nearest house and all of the operation will be on the west side of the mountain which will provide sound attenuation. He further noted that you lose approximately 1 dBA per 30 meters due to ground vegetation, which acts as a sound attenuator.

Mr. Buxton noted that the noise levels will be monitored and if the noise levels are exceeded and not mitigated the operation will be shut down. He noted that it is not a loud intrusive noise and it will be controlled. He further noted that the permit limits it and it will be measured by the Proponent and by the NSDOEL.

Mr. Buxton noted that if the NSDOEL asks the Proponent to they will have to measure the sound levels at other locations as well the property lines. He noted that it is all stated in the permit that the Proponent is required to do this.

Mr. Stubbs noted that he is not for or against the quarry and that Ms. MacAlpine had invited him to attend the meeting as he is trying to understand what this is. He noted that from what he has read of the newsletter it looks really prosperous for the area.

Mr. Stubbs asked if this operation goes into effect and it works for 50 years what happens to where the water was.

Mr. Buxton asked if Mr. Stubbs was asking about the marine terminal.

Mr. Stubbs replied the water and where the rock has been taken out, what happens to the water at that point in time. He asked is it just going to be left.

Mr. Buxton asked if he meant the land itself.

Mr. Stubbs replied yes, is it going to be cleaned up.

Mr. Buxton quoted from the permit that is already in place and will undoubtedly extend into the larger permit. He noted that there is a permit issued for a 4 HA site and that even before a proper and complete rehabilitation plan is in place the Proponent is required to give either in the form of cash or bond \$6250.00 per hectare (\$25,000). The Proponent gave a certified cheque in the amount of \$25,000 to the Provincial government. He further noted that within one year of the issuance of the permit (April 30, 2002) the Proponent must provide a fully detailed rehabilitation plan of the 4 HA site. The government will assess this plan and advise of any modifications needed and they will determine a dollar amount required to complete the rehabilitation. The Proponent will pay any additional funds required by cash or bond to cover that amount. If in 30 – 50 years the quarry terminates either the Proponent does the work as set out in the plan or the government has the cash in hand and will hire someone to do it.

Mr. Buxton noted that the same thing would happen with the extended quarry, which might cover over time 80 – 90 acres. The government will again look at a rehabilitation plan and determine the cost of the rehabilitation of the site and the Proponent will pay the money up front.

Mr. Buxton noted that it has been pointed out by Ms. Nesbitt and others that there have been cases in the past where companies were required under their permit to rehabilitate the site when they gave up their permit or abandoned the operation but the government didn't get cash up front and when the company pulled out there was no money to rehabilitate and the taxpayer was left holding the bag. He noted that now the full cost of the rehabilitation has to be put up in cash or bond, which the government holds. The Proponent has a choice: they can either rehabilitate or the government will do so with the money paid by the Proponent.

Mr. Stubbs replied that he doesn't personally trust the government and that he would like the company to make a commitment to clean up when they leave.

Mr. Buxton replied that the Proponent is obligated to do that.

Mr. Stubbs noted that the government puts the money into one big pot and they don't share it properly.

Mr. Buxton noted that the question was asked does the money go into a segregated trust along with other funds for the Black Bull Mine and the Marble Quarry, etc. He noted that someone from the government such as the MLA might be able to answer that question. He further noted that the taxpayer is not theoretically on the hook because the cost of the rehabilitation has been paid to the Province before the work is done.

Mr. Stubbs noted that he had heard that this operation may go all the way to Morden and he asked if that is true.

Mr. Buxton replied that this was an issue that was raised at the last meeting and he noted that it had been said locally “what is to stop people from opening quarries all the way up the Neck to East Ferry and down to Blomidon.” He noted that if you are talking about a 4 HA quarry where the permitting process is a fairly simple process that may cost \$5 – 10,000 to get a 4 HA quarry permitted, theoretically this could happen. He further noted that if there were 50 quarries between East Ferry and Blomidon the question to ask is “where will they sell the rock,” as there is no demand in the local market that cannot already be filled from existing quarries in the area.

Mr. Buxton noted that if you are talking about a larger operation such as this operation you would have to look at the certainty of markets in order to spend \$30,000,000 in capital funding.

Mr. Buxton noted that the advantage of a quarry on the North Mountain is that it is basalt rock, which is a very hard trap rock that is good for concrete, and it is a very good paving rock because it maintains its sharp edges longer than granite does. He noted that it does have a down side in that its specific gravity is higher than the specific gravity of granite. There is a 3 – 4% disadvantage in using basalt over granite because it is heavier and you are selling it by the cubic yard but it is a desirable rock.

Mr. Buxton noted that there are dozens of other places in Nova Scotia and perhaps hundreds in the Maritimes where there is a good supply of rock.

Mr. Buxton noted that the issue was raised at another meeting and people said why don't the Americans quarry in their own country. It has been said that the environmental rules and regulations are so stringent in the US that it is impossible to open a quarry so they have to come to Canada to quarry rock. He noted that this is not the reality and that there is probably more rock in the New York state than the Maritimes put together.

Mr. Buxton noted that the problem is moving aggregate and the cost associated with moving it. He noted that to move an aggregate in the US is perhaps \$0.15 a ton-mile. Assuming that a quarry is in Poughkeepsie and you sell rock in New York City 80 miles up river it would cost about \$12 per ton to move it by road and with bridge tolls it could be \$15 per ton. He further noted that that rock can be shipped from Nova Scotia for \$4 per ton and that is why there is interest in rock from Newfoundland, Quebec, New Brunswick and Nova Scotia.

Mr. Buxton noted that at the present time there is rock being shipped from Nova Scotia, New Brunswick, and Newfoundland but not PEI because PEI imports rock. He noted that there is a constant movement of rock by ship at the present time.

Mr. Stubbs asked is that Port Hawksbury where there is crushed rock.

Mr. Buxton replied yes, Auld's Cove ships rock as far down as the Carolinas.

Mr. Stubbs asked if they would develop this site like Port Hawksbury.

Mr. Buxton replied that is a good question. He noted that comments had been made that a quarry in Whites Cove would destroy the tourism industry on Digby Neck but one of the reasons that this site is desirable is that it cannot be seen from Hwy #217. He further noted that there will be no trucks on the road apart from a flush of employee traffic arriving at the quarry site in the morning. He further noted that Auld's Cove has been operating for many years and the face of the quarry is right there, you can see it, the coal yards are there, the ships are there and you cannot go to Cape Breton without seeing it. Mr. Buxton noted that he

has never heard that anybody has said that Auld's Cove detracts from the tourism industry in the province of Nova Scotia or Cape Breton.

Mr. Buxton noted that unless you rent a boat to go out into the Bay of Fundy you will not see the quarry. He noted the Proponent has stipulated that on this site they will continuously rehabilitate. The Proponent will not wait until the end to do this.

Ms. Harnish asked how long has it been quarried at Auld's Cove.

Mr. Buxton replied since the mid – 50's.

Mr. Stubbs noted that he had moved to the area recently and that he has visited on a yearly basis for some years. He noted that the area has not been developing other than people move here but the area is lacking a way of recovering from fishing and other things that they have been deprived of in his opinion.

Mr. Gavel noted that he has lived here all his life and all there has ever been is the fishing and now that's gone. He noted that they kicked out the elastic and the tire company out of Digby and every time they try to get something started they kick it out.

Ms. Nesbitt noted that Mr. Stubbs's point is well taken. She noted that a diversified economy is a strong economy.

Mr. Stubbs agreed with Ms. Nesbitt but he has heard a lot against the quarry and he is not taking sides, he is trying to understand why they are against it and why people don't really want industry here. He noted that Annapolis has had various opportunity to grow and they don't capitalize on it.

Mr. Peters noted the government are the biggest crooks.

Mr. Stubbs noted that they won't clean it up.

Mr. Peter noted a news article on government officials.

Ms. Nesbitt noted that we not here to debate government, we are here to discuss the quarry.

Ms. Harnish referred to the minutes of the meeting from when the environment representative attended and he stated that the funds would be segregated funds.

Ms. Nesbitt agreed that she believed that Mr. Petrie did state this.

Mr. Ivens noted that in the long run if you look at this quarry and it creates 31 jobs over 40 years this could possibly mean 60 mortgages, 60 houses.

Mr. Stubbs replied that people could say it might be reducing other mortgages.

Mr. Stubbs noted that areas should join and support each other; this is what makes a community grow.

Mr. Peters asked what ship will haul the rock, who owns the ship.

Mr. Buxton replied that he cannot say precisely who but they have spoken with Canadian Steamship Lines, they do have the type of ship that is required.

Mr. Peters asked is it a Canadian flag ship with Canadian crews.

Mr. Buxton replied yes, they are a Canadian registered ship. He noted that a typical vessel would be somewhat like the CSL Spirit which is a Panamax size vessel, 625' and can carry 55,000 ton but they won't load it to that capacity because it can't get into the New York or New Jersey harbours.

Mr. Peters noted that he had heard Paul Martin owns this ship.

Mr. Buxton replied that this has been said and he noted that at one time Mr. Martin was chairman of the Canadian Steamship Lines. He noted that he may own shares, which are held in trust.

Mr. Peters noted that for gypsum they had a signed contract that they would not hire anyone but Canadian crews but 25 years ago through crooked deals this was signed away and they

didn't have to hire Canadians. He noted that this kind of thing should never have been allowed.

Mr. Buxton replied that he is not familiar enough with shipping laws to comment on this. He noted that there is an act in the US that prevents ships with foreign crews traveling from port to port in the US. He further noted that the best we can do is hire a Canadian Company to do the job.

Mr. Peters asked what are the crews on them, are they mostly Canadians.

Mr. Ivens replied they are mostly Canadians.

Mr. Peters noted that this would be more jobs in Canada.

Mr. Buxton replied that he can't say what the make up of the crews are.

Mr. Ivens replied that we are looking at too big of a picture.

Mr. Stubbs asked if the ships are double hulled.

Mr. Buxton replied yes.

Mr. Stubbs asked what happens if the ship sinks, does the ore go back into the ocean, is it harmful to the environment.

Mr. Ivens replied that there would be no toxic chemicals in the rocks.

Ms. Nesbitt noted that in terms of ship travel in the Bay of Fundy this represents a very small portion. She noted that there are now 600 ships arriving in Saint John, 100 ships to Hantsport and approximately 1000 ferry crossings. She further noted that the Proponent is talking about 40 – 50 ships per year with revised shipping lanes and that this represents a very small portion.

Ms. Nesbitt noted that as far as the cargo, rock being hazardous, it's probably one of the least offensive. She noted that the other would have to do with ship design.

Mr. Peters asked what about the whales getting in the way, is that too bad?

Ms. Nesbitt noted that this is a small percentage of the traffic and they are changing the shipping lanes to accommodate the whales.

Ms. Harnish noted that she had received a telephone call from a gentleman who asked her about the quarry at the causeway and he was told that when they are loading the ship that this creates a lot of dust. She noted that the committee had discussed in the earlier meetings that the stone will be washed but she did not think we had discussed the stone being put into the ship or if this would create a dust problem.

Mr. Buxton replied very little because it is washed.

Mr. Ivens asked if it wouldn't be dropping far enough to break as it dropped.

Mr. Peters asked if it will be crushed and washed at same time.

Mr. Buxton replied that if a ship was loading in very dry weather with a good wind blowing there may be some dust flowing from it but probably very little of it would get in the water because it would probably drop on the ship itself and drift into another hold. He noted that these things are controllable in a small operation. A spray bar can be installed over the conveyor and the loading tunnel.

Mr. Stubbs asked the committee members and guests who is for the quarry and who is against it.

Mr. Ivens stated that he wasn't for it in the beginning but everything he has heard about the company, he sees pluses for the community.

Mr. Peters asked where Mr. Ivens is from.

Mr. Ivens replied he is from the Tiverton.

Ms. Nesbitt noted that she does not understand why fishing, tourism, forestry and the quarry operation can't co-exist, she can't see any reason for it not to. She noted that she thinks this is good employment.

Mr. Stubbs replied that they have the fishing and they don't want to give it up.

Ms. Nesbitt replied from what we have heard she doesn't believe anyone will have to give anything up.

Mr. Stubbs replied that is what they think.

Ms. Nesbitt agreed.

Mr. Gavel replied that a lot of people who have signs up don't even know what the quarry is.

Mr. Stubbs noted that he can't understand why are they not here to argue the point.

Mr. Ivens replied then they would be informed.

Mrs. Angrignon noted that 2 of the strongest opponents are going to have a cottage at the quarry site according to an article in the Chronicle Herald January 28, 2003.

Ms. Harnish noted that a lot of people think that the committee is for the quarry and they won't come to the meetings.

Mr. Ivens noted a gentleman that grows blueberries doesn't want the quarry because he doesn't want dust on his blueberries.

Ms. Nesbitt noted that when you talk to people that live where there is a quarry they don't seem to report those kind of negative experiences. She noted that they seem to talk about what it has brought to the community, the employment and stability in the area. She further noted that most of the people that were approached to sit on the committee didn't have an opinion in the beginning because all they had heard were rumours. They chose to find out for themselves and to develop their own opinions.

Ms. Nesbitt noted that there are people on the committee that are undecided or not in favor of it but everyone has their own view point and we come here to get information and our purpose is to bring it back to the community.

Mr. Buxton noted that Clayton Concrete has contributed significantly to NJ communities.

Ms. Harnish noted that Mr. Wall had stated they had been known to donate a percentage of the sale of their products for recreational opportunities.

Ms. Nesbitt noted Michelin and that we should think long and hard before we turn away the next opportunity.

Mr. Stubbs replied that some businesses are rejected because of noise or the environment but the wages go up and the area goes up and they don't want it to go up.

Ms. Nesbitt asked how many unsolicited job applications had been received.

Ms. MacAlpine replied 28.

Mr. Stubbs noted that he has heard a lot of pluses, a lot of positive things.

Ms. Angrignon provided a copy of the news article from the Chronicle Herald of January 28, 2003 "Cottage builders opposed to quarry project".

Ms. Nesbitt asked how does the acquisition of that property affect the quarry.

Ms. Harnish provided the map of the quarry site and the property location was indicated to the committee and guests.

Discussion of the 50 x 50 lot took place here.

Mr. Buxton noted that the approximate location of the 50' x 50' parcel of land is shown on the drawing and the owner of the property had tried to purchase it but were unsuccessful.

Two local people have acquired a warranty deed to the property and they have applied for a

permit to put a holding tank on the property and they have received a permission from the NSDOEL to do so.

Mr. Buxton noted that there are no grounds for the NSDOEL to refuse to grant permission for a holding tank on the property.

It was asked what about the size of the lot.

Mr. Buxton replied that the size of the lot and the fact that there is no access to the lot and a pump out truck cannot get to the lot may prevent a building permit being issued.

Mr. Ivens asked about the current status.

Mr. Buxton replied that all he can say is that the owners of the property have applied for a permit to install a holding tank and he was advised by the NSDOEL that a permit has been issued.

Ms. Nesbitt noted that her understanding of the rules in this province is that a holding tank permit can be issued in the interim before it is permanent.

Mr. Buxton replied no.

Mr. Peters asked how big is the land.

Mr. Buxton replied 50' x 50'.

Mr. Gavel asked what would the holding tank be for.

Mr. Buxton replied that he believes it to be for sewage and that they have made application for a building permit to build a cottage on the property. He noted that as of today there has been no building permit issued.

Ms. Nesbitt asked how is access gained.

Mr. Buxton replied there is no access to the property.

Mr. Ivens noted they would have to airlift the holding tank and he asked if they have water.

Mr. Buxton replied that they do not have water and they would have to travel about 100' onto the quarry property to get to it. He noted that there are questions of 911 access to the property, inaccessible road, and no electricity.

Mrs. Angrignon asked if the old provincial road goes that far.

Mr. Buxton replied there is a gap between the end of Whites Cove Road and the property.

Mr. Peters asked wasn't there buildings or a village in Whites Cove at one time.

Mr. Buxton replied there is no evidence of a village in Whites Cove.

Mr. Peters asked if there was in the 1800's.

Mr. Buxton replied there is no evidence.

Mr. Peters asked what about the laundry shown in the picture.

It was noted that this was not laundry but buoys.

Ms. Nesbitt noted that it was presented as clothing hanging on a clothesline.

Mr. Peters asked about burials in Whites Cove.

Ms. Nesbitt replied they have not found any evidence of burials. She noted that a lot of that area has already been quarried and if there were any burials they would no longer be there.

Ms. Nesbitt noted that if there was nothing further to add the meeting would be adjourned.

Mr. Buxton noted if the next meeting could be delayed until the end of February the scoping document might be available from the Federal/Provincial partnership.

Mr. Buxton noted that if anyone has any questions they are welcome to stop in at the Digby office and ask their questions.

Ms. Harnish noted that it had been mentioned to her that the telephone number on the newsletter should be a committee member and not the quarry office.

Mr. Buxton will make note of this for the next newsletter.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 9:05 pm.

Next meeting date is March 12th, 2003 at 7:00 pm at Rossway Community Center.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. March 12, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. David Graham, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harvey Peters
Mrs. Linda Graham
Mr. Danny Mills
Mickey Cranidge
Mr. Ross Morrell
Mrs. Wanda VanTassell
Mr. Calvin VanTassell
Mr. Lloyd Haynes
Mrs. Dorothy Haynes
Mr. Eugene Stanton
Mr. Brian Cunningham
Ms. Marilyn Stanton
Mr. Gene Wilkins
Ms. Hilda Graham
Ms. Joy Ryan
Mr. Robert Petrie, NSDOEL
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Brian Cullen, CLC Member

Ms. Nesbitt welcomed Mr. Robert Petrie to the meeting and noted that he is here to answer any questions in regards to the proposed development at Whites Cove.

Ms. Nesbitt noted that the minutes of January 30, 2003 would be reviewed at a later time so that committee members who would be arriving late could participate in the approval of the minutes.

Ms. Nesbitt asked if anyone had any questions of Mr. Petrie.

Mr. Petrie noted that there were a lot of new faces and he requested that the committee members identify themselves for his benefit.

Ms. Nesbitt noted that questions had been brought to her attention in regards to the development with respect to a piece of property that had been purchased by local residents. She noted that Ms. Harnish had questions concerning legal land size and permitting. She also noted many questions had been asked regarding the holding tank permit that had been issued. Mr. Petrie noted that in early 2003 NSDOEL received an application from two local people to install a holding tank on a small parcel at Whites Cove. He noted that it was an interesting development for everyone involved and NSDOEL looked at it very carefully in that it is an interesting scenario because of the setting of this parcel and due to the small size.

Mr. Petrie noted to put it in context with on-site sewage regulations, holding tanks can only be used in very specific circumstances. He noted that they are basically a last resort and that NSDOEL does receive applications from people who want to install them. He further noted they are rejected if they are able to put a conventional treatment system on the property. He noted that holding tanks are a last resort, which is stated in the regulations for under sized lots.

Mr. Petrie noted that NSDOEL is obligated to treat any party fairly regardless of whether the application is for a holding tank or a quarry. Applications are reviewed and considered based on the information given and the technical criteria. He noted that the application is evaluated on this.

Mr. Petrie noted that the holding tank application met the technical requirements and was issued an approval. He noted that under normal circumstances this is the first step in getting a building permit. He further noted that for an application like that the NSDOEL does not dig deeply as to whether they have access rights to the property, the question of where the road begins and ends, or whether this property is isolated within a large property or whether or not it can be accessed by Whites Cove Road. When NSDOEL reviews an on-site sewage application they are not there to arbitrate the other factors, if sewage can be safely handled, disposed of according to the technical guidelines then the application is approved.

Mr. Peters asked is a holding tank a septic tank.

Mr. Petrie replied it is basically a septic tank with no outlet that has to be pumped out when it gets full. He noted they are equipped with high level alarms and the owner has to sign a contract with a licensed pumper so that NSDOEL has some assurance that it is going to be pumped out.

It was asked how do you get an application for a holding tank.

Mr. Petrie replied they are available from any NSDOEL office or from some municipal offices.

It was asked if this piece of land butts up against the quarry property.

Mr. Petrie replied that his understanding is that it is adjacent to the land if not within the land.

Mr. Peters asked if the holding tank is for the quarry.

Mr. Petrie replied no.

It was noted that the piece of property owned is 50' x 50' and is apparently within the Whites Cove property. They have applied for a permit to put a holding tank on that property.

It was asked if the property owners intend to build a cottage.

It was stated it is unsure of the property owner's intent.

It was asked if you have a 50' x 50' piece of land with a holding tank on it can you put a building there. It was further asked doesn't the land have to be a certain size and can you get a building permit for that small piece of land with the septic tank on it.

Mr. Petrie noted that it would be better to ask a building inspector that question as they look at a number of things including access, road and driveway connections, emergency service when granting permits.

It was asked if they would put the tank in first then build a house.

Mr. Petrie replied that would be up to the property owners.

It was noted that maybe this could be for recreational use such as a camper.

Ms. MacAlpine asked how does the tank get emptied.

Mr. Petrie replied that normally a pumper truck empties a holding tank.

Ms. MacAlpine asked how does a pumper truck get into an area where there is no access.

Mr. Petrie replied that is the responsibility of the landowner and if the pumping truck can't get down to it the conditions of the holding tank approval are not met and the approval becomes null and void. The approval is contingent upon whether the holding tank can be pumped out.

Mr. Graham asked how do you get in there to put the tank in.

Mr. Petrie replied that the NSDOEL does not investigate whether the landowner has legal rights to the property. It is up to the landowner to ensure they have legal rights to get to the land. He noted that NSDOEL looks at the environmental aspects of the issue.

Mrs. Angrignon asked is the holding tank above or below ground.

Mr. Petrie replied they are normally below ground. He noted that if you have a small piece of land with a small cottage or campsite with a holding tank on it and there was no driveway, a problem with DOT and getting access to the land they are issues that have to be resolved and there are channels to resolve these issues. He further noted that NSDOEL keeps its review to the environmental issues; they do not do legal searches regarding the history of the property or any legal problems for access to the property.

It was noted by a guest that it is known why the holding tank is going to be put there.

Mr. Petrie replied NSDOEL couldn't look into people's motives; it's not their job.

It was noted that this never took place until it was known that a quarry would be put there.

It was asked why the quarry didn't purchase the land.

Mr. Buxton replied that the landowner would not sell the land to them.

It was noted that presumably that landowner would have the same motivation as the people that purchased the land.

Mr. Buxton replied that it is uncertain of how the parcel arrived there or where precisely the parcel is. He noted that it is a floating parcel shown as a 50' x 50' lot.

It was noted that if it can't be found out where the lot this is a strange state of affairs in 2002 as there should be ways to find out from deeds.

Mr. Buxton replied that many of the old deeds particularly on the Neck are described as a piece of property bounded by Jane Doe, etc and if you don't know where that property is you don't know where this piece is. He noted that it is shown on deeds as a 50' x 50' parcel but it is not determined precisely where it is. Their offers to purchase it were refused and it was sold to another party.

Ms. Nesbitt asked if there is no certainty of where this parcel of land is how could NSDOEL issue a permit.

Mr. Petrie replied they received the application accompanied by a legal description. He noted that any permit that is issued by NSDOEL is contingent on the fact that you have the legal right to do what you are asking to do on that property. He further noted that NSDOEL does ask for a minimum submission of documentation to verify the rights of ownership of the parcel. However, they do not investigate the history of the deed and the property because it would take months to process the applications.

Mr. Petrie noted that in order not to be trespassing or breaking some other point of civil law when you go to develop your property it is incumbent upon the landowner to know it is their property.

Mrs. Angrignon asked if the purchasers had their own surveyors because it would have to be surveyed to purchase it.

Mr. Petrie replied only when you subdivide, when you create a new piece of property.

Mr. Buxton replied to a question asked and he noted that the minimum size of the lot is determined by the separation distances that are required for the installation of a holding tank. He noted there is a downstream distance that is nine meters and it can't be within three meters of the property line. There is a distance between the cottage footings and a septic/holding tank and for cottages within the Municipality of Digby there is a separation distance between the property line and the building. He noted that if those requirements are satisfied even if you end up with a 6' wide building you satisfy the NSDOEL but the building inspector is another issue.

Ms. Nesbitt asked assuming that a building permit can be granted on this piece of land what would the steps be for the NSDOEL with respect to any future development for the quarry.

Mr. Petrie replied that in the past there have been some instances where a separation distance would be required for a facility whether it is a quarry or not and after the quarry has been established a structure has been put up within the zone. There have been cases where the quarry is still permitted to proceed because the development wasn't there when the quarry was permitted. He noted that with this situation and when it occurred a fair bit of checking was done. He further noted that with respect to encroachment, for lack of a better word, NSDOEL had never seen anything of this degree. They had seen people want to build near the boundary of a quarry but not within the quarry area.

Mr. Petrie noted they will have to deal with it but they are not at that point yet. He noted that the guidelines discuss whether a structural dwelling exists and there is none at the moment but if and when that happens it will be addressed.

It was asked if this property is within the 4 HA quarry or the 380 acres.

Mr. Buxton replied it is not within the 4 HA quarry.

It was asked if the four corners were stabilized.

Mr. Buxton replied of the 4 HA quarry, yes.

It was asked if it was within that area.

Mr. Buxton replied it is not within that area.

It was asked if NSDOEL has an application for a larger quarry.

Mr. Petrie replied no, legally they are still dealing with the context of a smaller quarry.

It was asked if this property is outside the quarry.

Mr. Petrie replied yes it is outside the boundary of the quarry; it is within what we call the 800-meter zone. Typically dwelling owners within 800 meters have to give consent before a permit is issued to develop a quarry but in this case the quarry permit was issued before there was any thought of a dwelling being there.

Mr. Graham asked if Mr. Petrie is saying a dwelling could be put on a 50' x 50' piece of land.

Mr. Petrie replied that there are some very practical problems associated with that but it could be structure of some sort. Whether a dwelling is built there or not is something that a local building inspector will have to deal with.

Mr. Ivens noted that he felt the biggest problems would be with hydro and water. If you have a holding tank you have alarms on it so you have to have hydro coming in to it.

Mr. Petrie replied the holding tank and sewage approval is one fraction of what you need to achieve in order to develop or build on a parcel of land. He noted that people find innovative ways of achieving things and NSDOEL does not look at an application and say it is a loony idea but engineering wise it could be done. He further noted that if it can be done safely to meet the technical guidelines they issue the approval.

Mrs. Angrignon asked if they require a blasting permit before they dig a hole to put the tank in.

Mr. Petrie replied no, not from the NSDOEL. He noted that any blasting has to be done by trained, qualified people and it has to be done safely but from an environmental point of view blasting only requires permission from NSDOEL when it is done as part of a quarry. There is nothing in their regulations that say you need a permit for blasting; the regulations state you need a permit for a quarry. He further noted that there are techniques for blasting safely such as for a sewer line in front of someone's house.

Mr. Ivens noted that they would just need a licensed contractor.

Mr. Buxton asked if they would not have to comply with the DFO guidelines for blasting in or near fish habitat.

Mr. Petrie replied to his knowledge he does not see how they would be exempted from that DFO guideline but DFO could answer that for certain. He noted that he is not aware of whether those guidelines make any distinction between the purpose of the blasting.

Ms. Nesbitt asked if there were any other questions for Mr. Petrie.

It was asked how big is the holding tank.

Mr. Petrie replied 600 or 1000 gallons.

Mr. Buxton noted it would be a minimum of 1000 gallons under the guidelines.

Mr. Petrie noted it is surprising how quickly they fill up and that many people see holding tanks as a solution to their problems but that is not the case.

Mrs. Angrignon asked if they have to have a water supply could they have it on a 50' x 50' lot.

Mr. Buxton replied that you couldn't have a water supply/tank on the property because you would be contravening the NSDOEL regulations with respect to the separation between a septic system and a well.

It was noted that this is not a septic system.

Mr. Buxton replied that it is.

It was noted that it is not the same that it is not emptying.

Mr. Buxton replied it is a septic system and the closest it can be is 15.2 meters (50') between a drilled well and a septic tank. He noted it is clear that you can't put a well on the property.

It was noted that it is a matter of bringing in water.

It was asked if there is a deed to this property and if it is a quitclaim deed.

Mr. Buxton replied there is a warranted deed.

Ms. Harnish asked has it been serviced.

Ms. Nesbitt asked have they pinpointed the location.

Ms. Harnish replied not that she is aware of.

Mr. Peters noted that most deeds state for example 5 acres more or less and asked if it would go along that piece of land more or less.

Mr. Petrie replied more or less doesn't hurt when you are talking about 5 acres but that is not the case with 50'.

Mr. Peters asked could they go farther than the 50' if their deed states more or less.

Mr. Petrie replied that would be a question for a real estate lawyer.

Ms. Harnish replied or a surveyor.

Mr. Petrie noted if one adjacent landowner felt that the other adjacent landowner was trespassing or they weren't on what was legally theirs then that may be challenged by one of the parties.

Ms. Harnish asked if there had been a building permit issued.

Mr. Buxton replied no and that the issue is what is a cottage or house. He noted that the blasting separation or setback requirements in the permit refer to a structure but further defines them i.e.; school, church, or a municipal sewage works, that might be effected by blasting. He noted that cottage is specified. He further noted that it is really a question of whether a cottage can be built on that lot and no one is disputing that one can put up a 6' x 6' shed but is that a cottage and if it's not a cottage then it doesn't affect the blasting on the site. It is a matter for the building inspector to determine whether that constitutes a cottage under the National Building Code as all buildings in Digby County have to be constructed in accordance with this code. A dwelling has to have certain features in order for it to be a dwelling. Otherwise, it is a shed of some sort.

It was asked if it was just a shed would that affect the blasting rights of the quarry.

Mr. Buxton replied we do not believe that to be the case.

Ms. Nesbitt asked if there were any other questions or any other issues concerning the NSDOEL.

It was asked if NSDOEL is responsible for just land, not land and sea.

Mr. Petrie replied they have jurisdiction in the Province of Nova Scotia and look after land-based sources of pollution.

Questions were put forward in writing with regards to the water table. *See Appendix 1-March 12, 2003 Water Table Questions.*

Ms. Nesbitt asked Mr. Buxton if he would like to respond to these questions.

Mr. Buxton replied the written questions would be taken under advisement and there will be written answers. He noted that from his recollection of the November 21, 2002 meeting and the copy of the hydro-geological report it was not clearly defined as to how quickly the divide would move to the east. It was stated in that report that monitoring wells would be drilled on the east side of the divide to regularly determine precisely where the water table is and how it is being affected by operations on the other side. He further noted that it is not the blasting that will change the water table but the rock being removed will change the location of the divide and the water table on the east side.

Mr. Buxton noted that predictions could be made but the reality is that monitoring tests wells will be the only way to determine what in fact happens 20 – 40 years down the road. He noted that he will deal with that specific question and get a specific answer. He further noted they will have monitoring wells and NSDOEL would have concerns if water tables are being

dramatically affected. He noted it is quite typical for well capacity to increase in basalt after blasting and there are a number of examples of this in the Province of Nova Scotia.

Ms. Nesbitt noted that it has been Mr. Buxton's policy if he receives a question in writing that he will respond to it in written form.

Mr. Buxton asked the questioner if this was acceptable.

The questioner replied this was fine.

Ms. Nesbitt noted that Mr. Buxton attended the February 13th Board of Trade meeting and the committee had been asked if he would explain some of the figures used in an article written by Mr. Mullen in the Digby Courier and the minutes of the Board of Trade meeting. She asked if he could explain how these figures were determined with respect to the tax base increase.

Mr. Buxton replied this is one of the dangers of responding to a question as it was put forward at the Board of Trade meeting. He noted that he was specifically asked to comment on what may be the financial benefits of a quarry to the area before completing a socio-economic study. In terms of tax base everyone hopes their tax assessment will be as low as possible and anyone is able to appeal their assessment.

Mr. Buxton noted that what they have said is that they believe that the capital cost of this development will be in the range of \$25 – 35 million but the actual costs cannot be determined until they have quotes from contractors. He noted that assets that become a part of the property itself, assets that cannot be moved off of the property, become assessable and taxable. He further noted that the value of the conveyor tunnels, development work, environmental systems, ship loader, dolphins and mooring buoys, etc. may be estimated to be \$25 million plus.

Mr. Buxton noted that the Province of Nova Scotia does the assessments not the Municipality. He noted that if someone spent \$25 million in capital assessable value on that site and it were assessed at \$25 million, the Municipal tax rates for commercial properties per \$100 can be assessed and if it is \$1.50 you can calculate a total tax bill from this.

Mr. Buxton noted that this is where the process stands and it cannot be determined further until the project is built and the Provincial assessors come in and give an assessment notice. At that point the tax bill will be known. Whatever is assessed put, as capital investment at the present tax rate in the Municipality will define the taxes that could accrue to the Municipality and they are substantial.

Mr. Buxton noted this is the danger of being asked that question two years in advance. The Province of Nova Scotia, which will assess it subject to an appeal, will answer that question and secondly by the Municipality which sets the commercial tax rates. He noted whatever the rate it will be a very substantial amount of money and if the quarry is in operation for forty years it will be very substantial percentage of the commercial taxes raised in the Municipality of Digby.

Ms. Nesbitt noted that in the article it stated there is no guarantee the 31 jobs will go to local people and she asked Mr. Buxton to reconfirm that the Proponent is still committed to hiring people locally.

Mr. Buxton replied absolutely and in fact they have approximately 40 applications. He noted they will need for at least a couple of years a very experienced quarry manager who will be brought in to set up the entire operation and run it for at least a year and at the same time training someone to take over that position. He further noted that if there is someone local that they think has the capacity to operate the entire project then they will be trained to do so.

Ms. Nesbitt noted in an article written by Jeff Sunderland in the Digby Courier it quoted that the wages of this quarry would be slightly less than at other quarries.

Mr. Buxton replied that is correct.

Ms. Nesbitt replied that she is not in agreement with this and she believes that if they are hiring people they should be hired at the same rate.

Mr. Buxton replied that is Nova Scotia and he noted that Statistics Canada uses national rates and if you compare rates in Nova Scotia with rates in British Columbia, Alberta or Ontario there is a very substantial difference. He further noted within the province of Nova Scotia they will be paid significantly higher. The rates will be 10 – 15% higher than at least one quarry in Nova Scotia he is aware of.

Ms. Nesbitt asked about the quote.

Mr. Buxton replied that it is out of context. He noted that they have to go with Stats Canada information and commenting without his notes of the meeting available he noted that the average rate with benefits/vacation, etc. will probably be \$19 per hour.

It was noted that this is better than cutting fish or shocking scalloping.

Mr. Buxton noted this will range from perhaps a bookkeeper on site and laborers to carry out ongoing environmental work at \$12 – 14 per hour to an electrician at \$20 per hour. He noted the rates circulated previously are considered reasonable and they are in excess of another quarry in Nova Scotia. In British Columbia, a crusher operator is probably paid \$30 per hour.

Ms. Nesbitt noted when those comments are made in the paper it their job to ask questions.

Mr. Buxton replied absolutely but the problem is everything tends to get taken out of context.

It was asked if Mr. Buxton could define locally, is he talking Digby area or Nova Scotia.

Mr. Buxton replied we have said very clearly that we will hire in a radius based on Whites Cove and to the Islands and progressively out from that point. Local would include Digby, Barton, Brighton and perhaps Weymouth and if they can't get the experienced qualified people within that range then perhaps to Annapolis Royal, Bridgetown, Middleton, etc. He noted a geographic search of applications has not been done but they have received applications from Digby, Barton, and the Neck area and with the exception of one they can staff the quarry locally, which might perhaps mean as far as Annapolis Royal and Weymouth. His definition of a local is someone who has a house here but may be working away in New Brunswick or Ontario.

It was asked if there will be any unionized jobs.

Mr. Buxton replied the Proponent will not start a union.

Mr. Peters asked about job guarantee, could it be seasonal.

Mr. Buxton replied that if the quarry was operating now it would have been shut down in mid-January because of the weather but there would be a maintenance period of 2 – 3 weeks. He noted that you cannot run equipment in –30-degree weather because it would destroy the equipment. He further noted that this is a very poor winter and this is unpredictable.

Mr. Buxton noted that he had said previously that the client requires 2 million tons of rock per year and that requires crushing for at least 10 months of the year.

It was asked if it will be in operation 24 hours.

Mr. Buxton replied no, there will be no night shift. He noted this material is destined to go primarily into concrete. He further noted that the cold spell has gone as far as New York and New Jersey and when there is a cold spell construction activity drops so the demand for concrete drops in those areas.

Mr. Buxton noted land in New York and New Jersey is expensive/valuable and you cannot put a stockpile on it because the cost is prohibitive. He noted the rock has to come off the ship and be moved out of the port area very quickly and that is why there is this requirement for a continuous flow of aggregate material. He further noted it is not a question of whether they can shut down for July, August and September. The whole purpose of opening a quarry here is for security of supply to a concrete supplier that already uses 2 million tons of crushed aggregate per year. We're not searching for markets; the market is already there and 100% of the crushed rock will be bought from the day it is produced.

It was asked if Mr. Buxton would be willing to guarantee that there would never be a night shift.

Mr. Buxton noted that Mr. Petrie could address that issue because he will write the permit.

Mr. Petrie replied if a larger project is registered it has to go through the environmental assessment process one of the things that would be looked at is hours of operation, disturbance and noise and if it needed to be restrictive those types of restrictions are possible. This will be based on the assessment and what comes out of that.

Mr. Buxton noted that there are different decibel levels, which one can operate at during different periods. They are 65 dBA in full daytime operation, 60 dBA in evening operation and 55 dBA at night as measured at the property line. For example, 55 dBA at the property line would be his voice level at about 1-½ feet away from a person. He noted from where quarrying operations will take place the nearest house is at least 3 – 400 meters over the mountain.

Mr. Peters asked if crushing hard rock and using the conveyor is very noisy.

Mr. Buxton replied the levels are set and they will be monitored by NSDOEL.

Mr. Peters noted that his friend lives 11 miles away from where the crushers are set up with 24 hour crushing in Manitoba, he could hear the crushing and stated that he would not want to live as close as 4 miles.

Mr. Buxton replied that he can't say what 11 miles means in that instance but the limits are set by the NSDOEL, they will require monitoring at the property line and they can simply advise them that monitoring at other points is required. The limits set under the permit are limits and if we don't adhere to them they have the authority to shut the operation down. He noted that there seems to be a theory if you get a permit and there is a set of regulations, then everybody goes away and Mr. Petrie, the NSDOEL doesn't come around again. They will respond to a complaint.

It was asked if Mr. Petrie is the person to call if there are problems with it because her sister who is two miles from a quarry up the Neck last summer during blasting they could hear it and her home was being shaken. She asked if this is a bit much.

Mr. Buxton replied that there are different levels for blasting and that you will hear a blast lasting 1/10th of a second. He noted a concussion level of 128 dBA at the property line cannot be exceeded and a blast will be heard in Little River and Mink Cove perhaps every two weeks. He further noted that they are discussing the continuous operating noise of the quarry, the crushers, ship loaders and machinery noise.

Mr. Petrie replied the answer to her question is yes, if the quarry is too noisy and they were consistently going over the limits she would call the NSDOEL and they would check it out and if the monitoring of the numbers back up the complaint then the quarry would have to fix it or it would have to stop operating.

It was asked if that would be the same for the dust.

Mr. Petrie replied noise, dust and ground vibrations are regulated under a NSDOEL permit so you would call NSDOEL to follow up on this.

It was asked how far away should a person feel the a vibration of things shaken in your house.

Mr. Petrie replied what they would have to do is put a seismograph in the ground at the nearest structure and monitor when that blast goes off. He noted that before they blast the blaster designs the facing, the amount of explosive and sets up the blast so they will not exceed the vibration limits. He further noted that if they do exceed it that will trigger an investigation by NSDOEL and they could be charged or shut down.

It was noted that NSDOEL must have received a lot of calls.

Mr. Petrie asked if that was from the summer before.

It was answered yes.

Mr. Petrie replied yes.

Mr. Buxton noted that this is the difference that members of the committee and people who have come regularly to the meetings have picked up on. He noted that there is a huge difference when blasting adjacent to fisheries habitat. He noted for example if you are in the middle of Nova Scotia and there are no cottages or habitations within 5 miles with a big rock face you might use 1000 pounds of blasting powder per delay and shoot off 2 – 300 delays at a time to get 50,000 tons of rock. He further noted when you start to deal with the guidelines for blasting adjacent to fisheries habitat or spawning habitat the level that we think will meet the criteria of DFO is less than 100 pounds per delay. That would be about for 175 meters from fish habitat where the first blast is targeted and the distance will increase with each blast. This is about 1/10th of a typical quarry load because we are adjacent to fisheries water. The scientists that designed the first blast believe that the vibration from this blast will be about 100th of the limit which is permitted in that permit and when a test blast goes off there will be seismographs situated and they will tell exactly what it is in those areas.

It was noted that there are different types of blasting and it was asked will this blasting just shatter the bedrock and that it is not blasting that will blow everything up.

Mr. Buxton replied if you look at the DFO regulations they are concerned about fly rock in case it gets in the water and we can't let the fly rock get into the water. He noted that it will probably go up 30 – 40 feet. He further noted that blasting is a very technical science and if it is done badly you end up with 70 – 80 ton boulders that you can't work with. Dynonobel, a large international blasting company has been hired to perform the blasting. They have labs and make their own explosives and they have designed the blasts for us.

Ms. Nesbitt asked if there were any other questions.

It was noted that they intend to quarry for possibly 40 years and asked how can they do it in that small area and will they get bigger.

Mr. Buxton replied that the parcel of land is 380 acres.

It was asked if those 380 acres will last for 40 years.

Mr. Buxton replied yes there is a lot of rock. He noted the question had been asked what is to stop this company or other companies from opening quarries up and down the Neck. He further noted that for a 4 HA quarry the amount of rock from this would be small and a Proponent could never afford to build a marine terminal. From this you may get 50,000 tons per year that would have to be sold locally and there are quarries operating now that are satisfying that market because the internal demand in Nova Scotia is very small. He noted that rock is a very low cost commodity until you put it on a truck and because of trucking

costs it becomes a high cost commodity, which would create the need to identify a market within a 25-mile radius. If you are talking about a 100 HA quarry producing 2 million tons per year you need to ask where the market is. There is a market in South Carolina or Florida but you would need someone with a direct interest that needs to import 2 million tons of rock and has \$30 million cash.

Mr. Buxton posed the question can there be 10 quarries? He noted that you would need to ask where is the rock going to be sold. He noted that the company that is buying this rock is the biggest supplier of concrete in New Jersey and they require 2 million tons per year. He further noted that there is a high demand in New York and there are a lot of quarries there. He noted that some rock is shipped to New York from New Brunswick, Auld's Cove and Newfoundland. He noted that there may be a demand for one other quarry somewhere but there will not be 15 – 25 quarries of basalt up the Neck or on the North Mountain because there is no market for it.

Mr. Buxton noted that when the rock lands in the United States it becomes very expensive to truck it. He noted that it has been said that the only reason the rock is being shipped from Nova Scotia to New York is because the environmental laws in United States are so strict they can't open a quarry. He further noted that this is not true as there are lots of quarries in the United States.

It was asked if this rock is not what they want.

Mr. Buxton replied yes it is, it is good rock, and there is no problem with the rock. He noted the problem is that in the US trucking is at \$0.15 per ton-mile. So to truck it for 50 miles is \$7.50. He further noted that it can be shipped from Nova Scotia for \$3.50. It is a matter of economics.

A guest noted that an offer had been made to purchase her property and she was wondering if they were planning to come all the way up the Neck with the quarry.

Mr. Buxton replied in order to operate a quarry of this size (400-500 acres), it would need to be very close to water and to open a quarry at that site would be \$30 million and they better have a market for the rock.

It was asked is it maybe just speculation.

Mr. Buxton replied water front land could be subdivided for cottages for the European, United States and Western Canadian markets. He noted that Ms. Harnish would be able to answer that.

Ms. Harnish noted that a gentleman from New York had inquired about waterfront land for the purpose of investment.

Mr. Peters asked what shape is the quarry going to be in when they leave.

Mr. Buxton replied that the Proponent is required under the permit to propose a preliminary rehabilitation plan for the site and must pay a fee of \$6250.00 per acres (\$25,000) in cash, certified cheque or bond to the Minister, to the Provincial government. He noted that fee has been paid and within one year of the issuance of the 4 HA permit (April 30, 2003) the Proponent is required to submit a more detailed rehabilitation plan to be assessed by the Province of Nova Scotia. The Proponent would be required to pay any additional money based on their assessment for the 4 HA permit. He further noted that for the larger permit he presumes that the same thing will happen. The Proponent will be required to produce a detailed rehabilitation plan with an attached price tag and the funds will be required up front so that when they leave the Province of Nova Scotia has the funds available to rehabilitate the site if the Proponent does not. This is to prevent what has happened in the past when it

was stated a company would rehabilitate the site and for whatever reason it was not rehabilitated and the taxpayer was left to pay the bill.

Mr. Petrie noted the amount of money the Proponent has to pay to the Province is higher than what it would actually cost to rehabilitate the disturbed area. This is an incentive to rehabilitate the area as they move along to the next. He noted that it is normal to rehabilitate progressively.

Mr. Buxton noted that the Proponent has made a commitment and will make the statement that they will progressively rehabilitate in order to create a minimum amount of open area at any one time because although it is not visible from Hwy #217 it is visible from the water.

Mr. Ivens asked if the rehabilitation has to be done to the Province's standards not the company's standards.

Mr. Buxton replied that is correct.

Mr. Petrie replied the Proponent will forward a proposal for rehabilitation and NSDOEL will review it and determine whether it is acceptable or requires any changes.

Mr. Buxton noted that this and other parcels of land are viewed in short terms but 30 – 40 years from now major developers will consider this piece of land to be extremely valuable because it will be rehabilitated to encourage high quality waterfront type development. He noted as an example the dredged sandpits in New Jersey while in operation are an eyesore but once completed they become valuable parcels of land because they have sand beaches, deep water, and natural lakes and are being sold as very upscale waterfront developments with small lots selling for \$200,000. He further noted that there is some economic virtue in making this an attractive piece of land because although 380 acres of waterfront is a valuable proposition now, in 40 years it will be an extremely valuable proposition. This company will not walk away from 380 acres of a prime waterfront property.

It was asked how much has to be built for the marine terminal and do the boats work parallel to the land.

Mr. Buxton replied yes.

It was asked if there would be armour rock type of fill.

Mr. Buxton replied no, it would be pipe piles, possibly 36", and 3 piles per dolphin with 3 dolphins.

It was asked what is a dolphin.

Mr. Buxton replied it is a big concrete cap on top of pipe piles that the boat will come up against and there will be 2 mooring buoys. In addition there will be a series of pipe pile legs coming into shore that the conveyor system will go out on. The ship will come in; tie up and the quadrant loader will revolve and fill the holds of the ship. It will load approximately 5000 ton per hour and leave in about 8 hours.

It was asked if the lobster would be staying in that area or would they tend to move.

Mr. Buxton replied the immediate area is not a lobster ground. He noted that this information was discussed at an earlier meeting. He further noted that as you go out from the shoreline there is an inter-tidal zone with boulders, rockweed, periwinkles and crabs, etc. Once you pass the inter-tidal zone it is bare rock out to beyond where the marine terminal will be and over to the south there is a small area of boulders and to the west there is sand build up as shown by side-scan sonar.

Mr. Ivens noted that for lobster it also has to do with the time of year and the water table.

It was asked how long will the terminal be.

Mr. Buxton replied there is nothing going out from the land except the pylons, which will take the ship loader. It will be three discreet dolphins set out into the water because DFO doesn't like the inshore environment to be markedly changed and if you put a solid causeway and a 'T' that would change all the currents in the area. This might change where the currents will go which is why they will be using a pipe pile system so that the currents flow amongst the pipe piles.

It was stated it had been stated they would be putting a 700' wharf there.

Mr. Buxton replied that the drawings had been viewed at previous meetings and there is no intention of putting a wharf there. The ships have a large draft and in order to construct a wharf with that kind of draft and the tidal range in the area, it would need to be a monstrous structure.

It was asked how many piers there would be.

Mr. Buxton replied there will be 3, possibly one large 50' x 50' center and two smaller 25' x 30', similar to the structure in Cape Breton.

It was noted that the operation at the Causeway in Cape Breton has not bothered anything there.

Mr. Buxton replied it is believed to be the case.

Mr. Ivens replied there isn't any problem there.

Mrs. Graham asked when the preliminary drawings of what the quarry site will look like when it is rehabilitated are available. Will they be published.

Mr. Buxton replied it will be published when the final application goes in. It will likely be a joint application, Federal and Provincial, it will go up on the website and there will be access to the drawings and text of the submission. The drawings have been digitized and prior to that submission the CLC can meet and review the drawings for the proposed submission.

Ms. Nesbitt asked if there were any other questions.

It was asked if the company is prepared to compensate any small businesses in the area such as dulse gatherers for any loss of livelihood.

Mr. Buxton replied dulse could possibly be affected by contaminating the water over a long period of time for example by crusher dust pluming into the water. This might effect periwinkles, clams, crabs, seaweed, dulse, etc. There is however, a requirement for the Proponent to monitor the water as it comes out of the septic pond once a week. The results go to the NSDOEL for scrutiny and contamination of the water will not be permitted. He noted that Wanda VanTassell called and asked about access to periwinkles over what is essentially private land he replied the Proponent would be pleased to build an access for people using the beach to gather periwinkles, dulse, etc. He further noted that there would have to be discussion with the Proponent as to precisely where the access goes because the Proponent intends to have conservations zones along that coastal area for the rare plants that were found in the area and that are currently being damaged. Between those zones the Proponent will build an access for periwinkle harvesting. For dulse we can't give access because boats are used to come in to pick the dulse.

Wanda noted that she had asked about ATV's and that Mr. Buxton had stated there would be restrictions on ATV's and she noted that she herself and others make their living along that area and up towards Digby and Smiths Cove.

Mr. Buxton replied there will be a restriction on unrestricted ATV access because it would be dangerous and areas have now been identified for preservation but as long as people stay to the trails we will build a road to the beach they will not go into any of the conservation zones

and damage the rare plants. The Proponent is prepared to meet with these people with maps and design a trail to the beach off the road or we will build a road to get to the beach.

Wanda asked if he is talking about one section of the beach because they make different stops as they follow the coastline around. Does that mean you will build a road to the beach and they can't go beyond that point.

Mr. Buxton replied no, you can go along the beach line as long as you stay on the trail on the property because of the preservation zones. He noted once they set up zones and advise NSDOEL that there is a rare plant and it requires protection we have to protect it from other people as well.

It was asked are you willing to put in a road with a trail along it.

Mr. Buxton replied that there will be a road to the beach whether it is the Whites Cove Road or a newly built road to get you down to the beach at points where you traditionally periwinkle or harvest dulse. He noted that they may not be able to go where they have gone before because of the rare plant preservation areas but there are gaps and they will be able to go between the gaps.

It was asked how they will find out where these gaps, the plants are.

Mr. Buxton replied they will hold a meeting with the gatherers and pickers and show them where the preservation zones are and they can tell the Proponent where they harvest and the best compromise will be made to get them down to the beach wherever they need to go.

Mr. Peters asked about ballast water coming out of the ship.

Mr. Buxton noted this important issue had been raised previously and that the Coast Guard very closely regulates it. He noted they have regulations as to what you can do with this water and where you can do it.

Mr. Peters asked if they go up a river to discharge this cargo.

Mr. Buxton replied no, somewhere like Perth Amboy.

Mr. Peters noted his concern about the stuff that comes up with these ships.

Mr. Buxton replied the discharge of ballast water is regulated by the Coast Guard.

Mr. Jeffrey asked where do you discharge the ballast water.

Mr. Buxton replied most of the ballast water will be discharged on the spot as the vessel is loaded and some can be discharged further out. He noted that you can't discharge all of the ballast because the vessel would become unstable. He further noted that whenever it comes in empty it will be carrying ballast.

Mr. Peters noted that in Hantsport flounder can't be caught there now and it is claimed this is because of the dumping of ballast water.

Mr. Gavel replied that there is still a lot of flounder caught there.

Mr. Buxton replied it is essentially Gulf of Maine water, it's a double-hulled vessel and it is taken on as ballast, which is necessary for stability.

It was asked if it goes back into the ocean.

Mr. Buxton replied that is correct.

It was noted that it is deemed worthy of the Bay of Fundy and it is not contaminated water.

Mr. Buxton replied the Coast Guard regulates that. The issue of organisms has been raised and if the committee would like further discussion on that then it could be arranged that someone from Canada Coast attend a meeting so that questions could be asked.

Mr. Ivens noted that he had heard before you get to a certain area the ballast is purged when new ballast is taken on. He noted that maybe some of the boats coming into the Bay of Fundy they have to recycle the ballast.

Mr. Buxton replied that may be but it is highly regulated. He noted they will be shipping through a third party and that shipper will be required to comply with all of the regulations of the Canadian Coast Guard.

Mr. Jeffrey asked if some water would be taken on in New Jersey.

Mr. Buxton replied yes.

Mr. Jeffrey noted that is near Long Island Sound.

Mr. Buxton replied that much of the gravel will be discharged near Perth Amboy.

Mr. Jeffrey noted they have a bad lobster disease there and that this may be pumped into the Bay of Fundy.

Mr. Buxton replied that they could ask the Coast Guard how they deal with the gypsum boats as they are obviously dealing with that situation. He noted that the oil tankers coming into Saint John would also be loading crude and refined products in New York and New Jersey. He noted that this is obviously being dealt with.

Mr. Jeffrey noted that it is a concern.

Mr. Buxton replied that he is quite prepared to request that someone from the Coast Guard to attend a meeting to answer these types of questions.

Ms. Nesbitt replied that this would be an interesting idea.

It was noted that it doesn't have to be an organism that is a disease; it could be one that is perfectly fine in the environment it comes from but when it comes here and kills things that are very important to our waters. That is a problem.

It was noted that it is hoped that it is regulated better than in the Annapolis Basin when the turbines were delivered because of the clams that had been killed.

Ms. Nesbitt replied it would be a good thing to get the Coast Guard to come to a meeting.

Ms. Nesbitt asked if there were any other questions.

It was noted that a guest grew up in the area of a quarry and her house received cracks in the walls and foundation from the blasting and even though they were 1 mile away. She noted they could hear grinding until two sub-divisions were built which absorbed some of the noise, which was a major problem.

It was noted by another guest that it is hoped the quarry will go through, as they want their young people to have jobs and not have to move away to find work. He noted that we need the quarry.

Wanda VanTassell replied that is fine as long as it doesn't hurt other people.

Mr. Buxton replied that you can't do anything in a vacuum today but that is why we have regulations, the NSDOEL, the DFO to make sure that when you do one thing you don't damage something else.

It was noted that even though her house was damaged sub-divisions were built presumably because it brought jobs there.

Her reply was that this was a local company, small quarry who worked with the people because they lived in the area but here you are talking about a huge company and from what she has read the second largest in the world who has no sense of our history.

It was asked are they not willing to work with this community.

Her reply is that you are talking about a quarry that is much, much larger.

Mr. Petrie noted to put it into perspective when something goes to the environmental process they are not just looking at the air or water quality. It is evaluated in broad terms and one of the key perspectives is can this industry occur without compromising the ability of the community around it to make their own living. He noted that you can't build a quarry or

undertake any industry without changing something without having some kind of an impact. The key is to manage those impacts and make sure they are managed so as not to affect the ability to fish for lobster or to enjoy their home and the onus is on the company and if they can't do it that's it.

Mr. Buxton noted a correction for the record. The Clayton's are not the second biggest concrete company in the world but they are probably within the top 100. He noted that they are the largest concrete supplier in New Jersey.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 9:15 pm.

Next meeting date is April 9th, 2003 at 7:00 pm at Rossway Community Center.

Appendix 1-March 12, 2003, Water Table Questions

RE: CLC Minutes of November 21, 02. On page 3, 2/3s down the page, "Mr. MacFarlane noted on the topographical map that the ground water divide is at the top of the mountain and all of the homes are on the other side of the ground water divide from the quarry." 8 lines further down the page after indicating that the quarry will cut across the ground water table MacFarlane states "Overall the water table will start to shift and this will cause the ground water divide to change in direction and move closer to the highway."

Questions for the next CLC meeting on the water table,

1. At the 11/21/02 meeting Mr. MacFarlane indicated that the water table divide will move "closer to the highway", how fast will this happen?
2. Is it likely to start with the first blast?
3. How close to 217 will the ground water divide move?
4. How many homes are likely to be affected by the ground water divide moving east?

Questions re: water table from CLC meeting of March 12th 2003.

Q. At the 11/21/02 meeting Mr. MacFarlane indicated that the water table divide will move "closer to the highway". How fast will this happen?

A. Quarry activity will commence in the 4 Ha area already permitted and move in a NE direction. The ground water divide is interpreted to lie approximately 700 metres east of the location of the initial activity. Although the rate at which it moves is expected to be slow, proportionate to the quarry's expansion, and may experience a delayed response, this rate cannot be accurately calculated at this time. However, the ground water monitoring wells planned at the property line adjacent to the active quarry will enable a picture to develop over time.

Q. Is it likely to start with the first blast?

A. No. It will only start once the quarry expands significantly towards the existing divide.

Q. How close to 217 will the ground water divide move?

A. As in the answer to Question 1. above the monitoring wells will give a clear indication of the amount the water table will be lowered which can be used to assess the distance and rate the groundwater table may move. It should be noted that the final easterly edge of the quarry will be located approximately 350 metres from the existing location of the groundwater divide so that neither the movement easterly nor the speed of movement is expected to be of great significance.

Q. How many homes are likely to be affected by the ground water divide moving east?

A. There are two homes which were identified to potentially be influenced by a movement in the groundwater divide. It is not necessarily the case that the influence will be negative.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. April 9, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. David Graham, CLC Member
Mr. Brian Cullen, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Ms. Genie Wilkins
Mrs. Linda Graham
Mr. Eugene Stanton
Ms. Marilyn Stanton
Mr. Keith Banks
Mr. Christopher Gavel
Ms. Melinda Gavel
Mr. Leroy Morrell
Mr. Terry Farnsworth
Mr. Stephen Morrell
Ms. Mary Scott
Ms. Danielle Marchand, CBC
Mr. John Wall, Quarry Manager
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. John Ivens, CLC Member; Mr. Mark Jeffrey

Ms. Nesbitt welcomed everyone to the meeting and noted that the first order of business would be to approve the minutes of January 30, 2003. She asked if there were any changes, additions or deletions required. The committee approved the minutes of January 30, 2003 as they had been presented. She also noted that the minutes of March 12, 2003 were presented for review and that they would be approved as presented.

Ms. Nesbitt asked Mr. Buxton if he could provide a progress report to the committee and guests.

Mr. Buxton noted that at the last meeting the committee had presented questions in regards to ballast water and it was suggested that someone from the Coast Guard attend a meeting and

review regulations that are in place for ballast water. He noted that it is in fact not the Coast Guard who is responsible for control of ballast water but that it is Transport Canada – Marine Safety Division in Ottawa. He further noted that at the present time there are no Regulations in place dealing with ballast water. However, there is a publication entitled Guidelines for the Control of Ballast Water Discharge From Ships to Waters Under Canadian Jurisdiction, which is dated September 1, 2000, amended June 8, 2001.

Mr. Buxton noted that Annex 5 – Ballast Water Procedures For Vessels Proceeding to Ports on the East Coast of Canada is an extremely brief report. He noted that Annex 5 of the guidelines is currently under discussion for review and the proposed revision is more extensive. This revision is dated January 9, 2003 and a copy was provided to the chair.

Mr. Buxton noted that anyone who is interested in this document may obtain a copy from the chair. It can also be viewed at <http://www.tc.gc.ca/MarineSafety/Tp/Tp13617/Tp13617e.htm>

Mr. Buxton noted that Transport Canada is making an effort to determine regulations however there are other organizations involved. The International Marine Organization, which was involved with the change to move the shipping lanes in the Bay of Fundy, is involved with this effort. He noted that he has been led to believe from the chairman of the committee Tom Morris that the first regulations will be for the Lakes and the Gulf of St. Lawrence followed by Eastern Canada. He further noted that with regards to Eastern Canada the IMO is very concerned with this revision and it is not known when these regulations will be put into place.

Mr. Buxton proceeded to read the current guidelines of June 8, 2001 (Annex 5). He noted that this document has been provided to the chair and will be available to the CLC members. (see minutes – April 9, 2003 Appendix 1.) He noted that the document does refer to the exchange of ballast water zones.

Mr. Buxton noted that written questions had been put forth at the previous meeting with respect to the water table and he noted that these questions had been answered with a written response and that copies of the answers were provided to the questioner and to the committee members.

Mr. Buxton noted that there had been a request for a copy of the documents that had been submitted with respect to the Navigable Waters Protection Act and registered at the Registry Office in Weymouth. A copy of this document has been provided to the chair and the CLC members. He noted that the application describes the chart location of the project itself, shows the relationship to the parcel of land at Whites Cove/Whites Point where the marine terminal will be, and a plan and cross section of the facility, which is being designed. He further noted that the marine chart showing the location of Whites Point/Whites Cove in relationship to the Bay of Fundy and the shipping lanes is also included. These documents may be viewed from a committee member or at Wilson's-On-the-Neck, the Municipal Office or at the Global Quarry office in Digby.

Mr. Buxton noted that there was also a request from the chair for a copy of the project description. He noted that this is the document that was submitted to the Canadian Environment Assessment Agency on March 10, 2003 and it details the intent of the Proponent in respect to the quarry and the marine terminal. He noted that it describes the project structures, project activities, resource material requirements, site information, environmental features, land use, use of the waterway, and there are a number of drawings attached. He further noted that this project description has been accepted and a copy has been made available to the chair and to the CLC members. Anyone wishing to view it can do so

from a committee member or at Wilson's-On-the-Neck, the Municipal Office or at the Global Quarry office in Digby.

Mr. Buxton noted that in terms of the Environmental Assessment process as a whole it will be a joint process between the Provincial & Federal governments. He noted that on March 31, 2003 the Federal and Provincial governments and their interested agencies met to discuss the process by which the assessment will take place. He further noted that the Federal Government, Canadian Environmental Assessment Agency has sent out a coordination request to all interested agencies. i.e. Transport Canada, DFO, Environment Canada, Federal Dept. of Natural Resources, etc. These agencies will respond by April 10, 2003 and they will indicate whether or not they wish to be a responsible authority under the Environmental Assessment process.

Mr. Buxton noted that it appears that the main agencies that will be a part of the process will be NSDOEL, DFO and possibly Environment Canada. He noted that the Federal and Provincial governments will draft a Memorandum of Understanding between the two levels of government and this will set out the process and who will be responsible for the process. It will be signed by the Ministers making it an agreement between the Federal and Provincial governments on how the environmental process will be carried out.

Mr. Buxton noted that concurrent with the preparation of the Memorandum of Understanding the Federal and Provincial agencies will meet and produce a Scoping Document. The Scoping Document will set out the scope of the EA, which will need to be carried out. He noted that the Scoping Document will be made public and public input will be solicited. Any interested party will have 30 days to provide input. A final Scoping Document will be presented and it will set out all of the issues that will need to be covered under the EA process. The Proponent will thus have a checklist to ensure that all of the items have been covered. The Proponent will then prepare a Comprehensive Study Report, which will be presented to the lead agency.

Mr. Buxton noted that this is where the process stands at this point. He noted that it is the intent of the Proponent to commence opening of the 4 HA quarry next week in order to do some preparation work such as open the settling pond, drainage channels and environmental control structures will be put in place, the area of the rock where the first blast will take place will be cleared and readied for drilling and blasting.

Ms. Nesbitt noted that from what she has heard she would like for the committee to have explored further the issue of ballast water and she is at this time requesting that a marine biologist be invited to attend a future meeting. She noted that they must have information on how water circulates, how lobsters travel, and the possibility of contamination from bilge/water.

Ms. Nesbitt referred to an article that appeared in the Providence Sunday Journal dated February 16, 2003, which referred to the demise of the lobster fishery of Rhode Island, which was possibly due to bacterial infection. She paraphrased from the article, "the problem with the shell disease spreading to Rhode Island waters, a possible bacterial infection blackens and pits the shells of infected lobsters and that it has stricken as much as 30% of the lobsters in Rhode Island." She noted that at present the lobster fishery is the single most important industry to Digby Neck and the Islands and the committee has to explore this very forcefully to make sure that this problem does not occur here.

Mr. Buxton replied that he will attempt to have someone from DFO attend a meeting.

Mr. Buxton read further from the January 9, 2003 proposed amendments of the guidelines of Annex 5, Section 1.3 in regards to the invasion of non-indigenous species which may disturb marine entities, etc. Section 1.3 states "...that the procedures recommended in this annex are intended to protect the integrity in all waters in the Atlantic Canadian region. Several high-risk areas and activities have been identified by research conducted to date. The release of ballast water originating from the south-eastern United States..." He noted that there seems to be much more concern about the southeastern United States than the area in Penobscot Bay or off of New York/New Jersey. He further noted that it has been recognized and a lot of work has been done on Annex V.

Ms. Nesbitt asked if the ships going to Hantsport and New Jersey are traveling the same route.

Mr. Buxton replied yes they will use the same shipping lane. He noted that it is his and Mr. John Wall, the quarry managers' understanding that those ships discharge approximately 30 miles from where the rock aggregate would be discharged. He noted that essentially they discharge and take on ballast water in the same waters and then proceed to Hantsport. He noted that it is his understanding that there are about 110 vessels doing that each year. The rock that comes from the Bayside terminal, which currently goes to New York, would follow the same pattern. He further noted that there is probably some variation with the ships coming out of Baltimore to Sydney because they may be carrying coal which is imported from the north-eastern US so ballast would not be the same issue because they are bringing a full load which would not require ballast.

Ms. Nesbitt asked if these ships had affected fishing in the Hantsport area.

Mr. Buxton replied that the Proponent has not found this to be the case. He noted that the concern is there but there are in excess of 1000 ships coming into Nova Scotia ports from Portland, New York, Baltimore, etc. He noted that there is a tremendous amount of transfer that occurs. He further noted according to the guidelines there are zones for ballast water exchange and presumably ships are conducting ballast water exchange properly. He also noted that there is more work to do in this area.

Mr. Buxton noted that presumably new regulations will require the exchange of ballast water. He noted that while this is of concern to people here it is a matter of Federal jurisdiction and the Proponent will not be operating vessels. The Proponent will hire vessels that are properly licensed to carry goods from US and Canada and as such they will engage a senior responsible shipping company. He noted that it is presumed and assumed that they will follow the guidelines and regulations that are in place. He further noted that the Proponent has little control over the ballast water exchange and looking at the extent of shipping presently in the Bay of Fundy another 50 vessels/trips will add a less than 1% increase in vessels coming into the Bay of Fundy.

Ms. Nesbitt asked if there were any other questions.

Ms. Wilkins asked if Mr. Buxton could clarify in regards to the exchange and discharge of ballast water that will take place if he had stated this will occur 30 kilometers or 30 miles off shore.

Mr. Buxton replied he had not stated a number.

Mr. Buxton noted that there are zones, which are set aside as referred to in section 8.0. He read section 8 and section 9 in response to this question. (see minutes – April 9, 2003 Appendix 2.)

Ms. Wilkins replied that this is not the answer to the question that she had asked and that she was interested in verification of whether the exchange and discharge would occur at 30 kilometers or 30 miles.

Ms. Sanford referred back to Mr. Buxton's comments and noted that the reference to 30 miles was stated in reference to Ms. Nesbitt's question of other ships that were traveling back and forth to Hantsport.

Mr. Buxton noted that it has to be in one of the ballast discharge zones or an alternative ballast discharge zone.

Ms. Nesbitt asked if there were any other questions.

Mr. Farnsworth asked how are the regulations monitored or policed.

Mr. Buxton replied that they are not regulations but guidelines monitored by Transport Canada Marine Safety Division.

Mr. Farnsworth asked what is the process for the monitoring.

Mr. Buxton again referred to the Transport Canada Marine Safety guidelines and noted that the process is noted for reporting, verification of information, ballast water exchange zones, alternative ballast water exchange zones, ballast water sample collection, etc. and that anyone interested should read these guidelines if they have any questions.

Mr. Farnsworth asked how are the guidelines enforced or is it just done on an individual basis as to where you are going to release or exchange the ballast water. He noted that he feels we live in a society with a corrupt system where there are loopholes so that someone such as himself has to have download costs of self policing because we are not only concerned about our waters and our environment as much a whole ecosystem. He further noted that more people are getting involved with that ecosystem and that we want more people involved with the decision making process, we want more people involved with what is currently taking place and with the depletion of our stocks.

Mr. Farnsworth noted that DFO stated in the 1996 license policy book that you cannot legally sell, barter or request licenses or quotas. He noted that what is corrupt about this is that people buy and sell licenses and quotas and we have seen many demonstrations where it has been asked who is policing these off shore quotas when they were being fished here. He further noted that no one did until the community got involved.

Mr. Farnsworth asked who is going to make sure these fundamental guidelines are carried out. He noted that the community is involved in a very big way in other movements and that we care about where we live and how we harvest fish and he does not believe that DFO did this for us. He noted that we have made a stand as an alternative to the destruction we have been seeing and this is why people are concerned about the environment. We are no longer on the other side, we are starting to get involved and he would like to see the community have a joint movement where we take part in the decision making process to decide what comes into our waters. He further noted that the Board of Directors for the Marine Resource Center wants more integrated involvement before DFO makes their decision behind closed doors because this matter has gone beyond exploring fish.

Mr. Farnsworth noted that he has been involved since 1996 and this is why he is bringing up the concern of how is this going to be monitored and who is going to make sure that this is not going to be rammed through. He asked who is going to be policing to make sure that more toxins are not going to be delivered to our waters and that more environmental damage is not going to be done to our communities and our fisheries.

Mr. Buxton noted that he is pleased that Mr. Farnsworth has attended this meeting representing the Marine Resource Center. He noted that they had asked the executive director of the Marine Resource Center to be a member of the CLC so that we could have had input from July 2002. He further noted that the executive director had originally agreed to sit on the committee but later declined to sit because of intense pressure from his board of directors, which had stated that he was not permitted to attend these meetings.

Mr. Buxton noted that the CLC would have been delighted to have input from this group and that these are the sorts of issues that should have been brought to the table last July when there was a clear invitation to have them on board.

Mr. Buxton replied that Mr. Farnsworth's questions should be largely directed to the regulatory agencies involved as the Proponent has no more standing with the Federal government than does a private individual. He noted that he cannot tell Mr. Farnsworth that any agency will police or regulate this or that concern. He further noted that if you have these specific concerns they should be addressed as the revisions to those guidelines are being discussed now.

Mr. Buxton noted that presumably they have a copy of these guidelines at the Marine Resource Center and if you have problems with Annex V and the revisions to Annex V he would suggest that they contact Transport Canada Marine Safety Division immediately and note your concerns. He noted that the Proponent is addressing this issue and they are finding out this background material. He further noted that he does not recall anyone objecting to the 110 ships going into Hantsport loading ballast water at precisely the same location that the Proponent's contract shipper will be loading ballast water. He noted that these ships have been shipping for approximately 50 years.

Mr. Farnsworth added to this by saying that regrettably our community has had their head in the sand for quite some time in not realizing the issues concerning the Bay of Fundy. He noted that the Upper Bay is discussing an Upper Bay project in which they want environmental assessments, more control in their community in terms of the environmental impacts, they want to know what is going on in their waters. He noted that there are now questions that need research such as why are fish and lobster coming inshore. He further noted that there are already environmental impacts but we haven't had any signs of research but they now want to get this properly looked after the same as disposing of oil, garbage and other pollutants in the community.

Mr. Farnsworth noted that he is not just speaking as a member of the board of directors for the Marine Resource Center he is also speaking as Vice President of Bay of Fundy Inshoremen and a member of council that plays a role in management and addressing the community needs. He noted we are working with First Nations and he believes that everything we have seen from government and policy and the practice of politicians has been corrupt and this so-called transparent cause has become unworthy to a lot of us and that is why we are becoming more involved. He further noted that the next assessment that the Marine Resource Center wants done is water testing in the salt water and in the fresh water flowing into the oceans. We want to take more role in what comes and goes, we don't want to know about the damages after the facts.

Mr. Farnsworth noted that we are getting more involved and that this is quite overwhelming for a community as it comes down to legitimate concerns. He noted that he does not just speak for the Marine Resource Center, he speaks for a whole community.

Mr. Buxton replied that he does not disagree that they are not legitimate concerns as he thinks they are. He noted that if ballast water can be safely exchanged in a safe area he feels that Mr. Farnsworth needs to put some pressure on Transport Canada Marine Safety Division to ensure that ballast water is exchanged out at sea in safe areas as it describes it in the guidelines.

Mr. Farnsworth noted that something this big is just one of the many questions, just one of the impacts that people are concerned about. He noted that he is not for or against the quarry but as long as there are any fears or doubts he will have to say that he does not agree. There should be a process without DFO. He further noted that if DFO is going to manage this the way they have managed our fisheries then God help us all.

Mr. Buxton replied that this is a political comment and he is unable to respond to it. He noted that the Marine Resource Center had a part to play in this and that they could have provided the CLC with good information. He noted that we are trying to provide that information to the CLC and we have provided every piece of information that we have been requested to provide. He further noted that perhaps he should go back to his board of directors and suggest that maybe you have a role to play in this process.

Mr. Buxton noted that the Proponent had asked your Executive Director to sit on the CLC and bring these concerns to the table.

Mr. Farnsworth asked what is the process because as he understands it you will be starting on this project next week.

Mr. Buxton replied the Proponent is not talking about shipping next week and this is the problem with coming in almost a year after the process of consultation started because it makes it difficult to respond to at this stage. The Proponent does have a permit to operate a 4 HA quarry and we are not going to build a marine terminal and ship rock from a 4 HA quarry. We need to go through a full Canadian Environmental Assessment process, a joint process, which is very thorough and very expensive in order to get the permit to do that. He noted that this is what has been discussed at these meetings since July 2002 and all the issues that the committee members and members of the public have asked have been dealt with and the answers to their questions have been provided to them. He further noted that the Marine Resource Centre, which is purported to be the experts on these sorts of issues in the Bay of Fundy, chose not to participate.

Mr. Buxton noted that he would be delighted if Mr. Farnsworth would go back to his board and say that these are issues that are being discussed at the CLC and that they should be involved in because they concern us and the group at the Marine Resource Center. He noted that we would be delighted to see your Executive Director, your Chair or yourself continue to come to these meetings and give us your views and opinions. He further noted that he can't get into the political process because we do not make the regulations or the rules, we have to abide by them and that is what we will do and what our shippers will have to do as there are severe penalties if we do not.

Mr. Farnsworth noted that it is not clear what the mandate of this board is or what they want to do in terms of the quarry. He noted that there are other committees that have met with people from all over the world about our concerns about this rock quarry. He further noted that he understood that this board was to collect information that is neither for nor against the quarry. To his surprise as soon as he started asking questions about this board he was told off and he believes there is something else going on here that does not add up.

Mr. Farnsworth noted that he did not come to interrupt the meeting or offend anyone. He noted that he had heard all he wants to hear and thanked the committee for allowing him to speak.

Mr. Farnsworth left the meeting at this point.

It was asked where are all these concerned citizens, and he noted that he had brought this point up before, when there was a sunken boat, a scallop dragger, laying in the Digby harbour for 2 months at the wharf with oil spewing out of it everywhere, where were these concerned citizens then.

Mrs. Carty replied the same place as they are tonight, not here.

It was noted that if you go into Digby and walk down the wharf you can see that everyone of those boats are pumping bilge out and that everyone of those boats that are pumping bilge are pumping oil out into the water and this is where our concerns should start. He noted that this gentleman comes in and voices his opinion and then walks out the door, he doesn't want to hear anything else except what he already has his mind made up for.

Mr. Buxton replied that in fairness he does have a point. He noted that Mr. Farnsworth raised a point that was previously raised by the CLC and we are trying to get information for the CLC. He noted that we presented the guidelines tonight and he noted that these could have been presented last August by the Marine Resource Center but perhaps they don't have them. He further noted that we will attempt to gather further scientific representation so to be fair he did raise an issue that is on the mind of the members of the committee.

Mr. Buxton noted that he wished the Marine Resource Center had chosen to be a part of the process from the beginning. He noted that the Marine Resource Center were clearly invited to be a part of the process and we had hoped they would have been an informed contributor to the process, but they chose not to be.

Ms. Nesbitt noted another issue and wondered if Mr. Buxton could address this. She noted the newspapers have been writing about silt drift and silt run off and that she is aware that there are sediment pond plans in place. She noted that this quarry has been compared to the quarry in Canso and asked how does it differ from Canso. She asked if silt will be a problem and if it is a problem is there a plan to contain it.

Mr. Buxton replied he had read the articles and he noted that the Proponent had made some preliminary inquiries and they are not aware of any extensive problems at Canso nor have they been made aware of any problems. He noted if there are problems they have yet to determine what these problems are or the extent of the problems from Auld's Cove. He further noted that sufficient silt is being dumped in the water there to bury lobster traps in 2 feet of silt it was stated that in an extended area around Auld's Cove and the newspaper article mentioned a 10 mile by 15 mile area in the Bay of Fundy which could be similarly effected.

Mr. Buxton noted that he believes a subsequent article in the Digby Courier written by a doctor states that in order to bury lobster traps in that area it would take 523 million tons of silt. He noted that this quarry will produce about 80 million tons of rock in 40 years. He further noted that the doctor stated that the wastage in the silt product, total silt and other fines is 7% by weight.

Mr. Wall noted that this is a reasonable figure for total fines generated and not wasted.

Mr. Buxton noted that the total amount generated on the site would be 7%, which would be 5.6 million tons. He noted that if all of the fines generated were indiscriminately dumped in the Bay of Fundy it would be 5.6 million tons over 40 years, not 523 million tons.

Mr. Buxton noted that some of the fines are a valuable by-product and are collected and are marketable. He noted that some of the very fine fines, the clay size particle fines, have less value and in the wash process where rock is washed, they will be in the water and that is why water has to go into wash ponds. He further noted that the water is circulated in the wash ponds and the fine material settles out, the water is then used again to continue the washing process. All of the water inside of the quarry site is directed into settling/sedimentation ponds, the water is circulated through those ponds and over time the silt settles to bottom.

Mr. Buxton noted the Proponent is required to test any water coming out of those settling ponds on a weekly basis and the level of silt, the level of particulate matter, is restricted by the quarry permit. He noted that a great deal of effort is expended in the construction of the quarry to contain those waters to ensure that **no** silt gets into the Bay of Fundy. He further noted that it is a legitimate concern to raise but if we discharge silt into the Bay of Fundy we are in very serious trouble under our permit. The Proponent would be in contravention of its permit and it is up to the regulatory bodies to take appropriate steps.

Mr. Buxton noted that he had been to East Ferry and noticed plumes of silt pouring out into Petite Passage from the work that is going on there and that he has photographs showing these plumes of silt going into the water. He noted that he hasn't heard anyone say anything about this and that if people are concerned about these issues why hasn't anyone said anything about the silt that is being dumped in Petite Passage where there are lobsters being held in cages in the water. He further noted that there are regulations and standards in place that we must maintain and he suggested if people have serious issues about silt being dumped into the water they should drive to East Ferry.

Mr. Buxton noted that this Tiverton project is not our project and we have no interest in it but it is interesting to note that we seem to be responsible for offenses that have yet to be committed. He noted that where the same offenses are actually being committed nobody seems to care.

Ms. Harnish replied that no one is aware of it that she hadn't even heard about it.

It was noted that a gentleman had been down to look at the construction going on and that his point is why when all of these other things are going on around us are people not concerned about the smaller stuff first. He noted that the water is being polluted all the time right here in Digby and people ignore what is going on around them and he doesn't understand why this gentlemen didn't stay and listen and take it all in.

Mrs. Carty asked the chair if anyone knew whom Mr. Farnsworth had approached with his questions regarding the CLC.

Ms. Nesbitt replied that a discussion had taken place between her and Mr. Farnsworth. She noted that he was asking questions and telling her things so she invited him to attend a meeting to find out about the committee and that he could ask any questions that he wanted to and the answers would be provided and if they were not provided to his satisfaction then the committee would obtain the answers. She further noted that he made a comment about the CLC and she asked him how could he say what it was all about until he attended a meeting.

It was noted that Mr. Farnsworth stated he was neither for or against the quarry yet he has a "Stop the Quarry" sign in his front yard.

Ms. Nesbitt replied that it is good to find out information before you make an informed decision.

Mrs. Carty asked if he was told off.

Ms. Nesbitt replied that she had invited Mr. Farnsworth to come to a meeting and that if he felt that to be the case he had misunderstood her invitation.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted the questions that had been presented at the previous meeting in regards to ground water had been answered in written form and asked if this was acceptable.

It was noted that the answers would be forwarded to the questioner.

Ms. Harnish asked if work is being started next week on the 10 acres will there be any blasting.

Mr. Buxton replied the CLC will be advised of when the blast will take place as they have previously been invited to attend the blast. He noted that the initial blast will enable them to monitor results and they will be able to use those results in future submissions. He further noted that the blast will occur possibly around the end of May.

Mr. Wall noted that they are blasting in Tiverton if anyone is interested.

Ms. Harnish asked if this is the same type of blast.

Mr. Wall replied it is reasonably similar.

Ms. Nesbitt asked if there were any other questions.

Mrs. Carty asked if someone would come to the next meeting from DFO.

Mr. Buxton noted that he will try to find out who could attend but he had thought it was the Coast Guard that was in charge of ballast water. He noted that his Coast Guard contact advised him that it is Transport Canada's Marine Safety Division that is responsible for this and that the chairman of the sub committee, which is dealing with this issue, for Transport Canada had provided the Guidelines noted above. He further noted that he should be able to find someone in Atlantic Canada that could make a presentation or provide written data.

Ms. Nesbitt asked if this would be in regards to bilge water and pathogens.

Mr. Buxton replied yes, someone who understands the issues and who can provide the proper answers.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that other issues should be lined up in case no one could attend the next meeting. He noted that they could be mentioned now or they could call the chair prior to the next meeting.

Ms. Nesbitt noted corrections for the next issue of the newsletter. The spelling of Judith Carty was incorrect and anyone wishing to add to the agenda could contact any committee member.

Mr. Buxton replied the next newsletter will be revised accordingly and asked if there were any other comments regarding the newsletters.

It was asked where they are being mailed.

Ms. MacApline replied they are being sent to RR 2, 3, and 4, Digby.

Mr. Buxton asked if the newsletters were useful.

Ms. Harnish replied yes.

Ms. Nesbitt replied that she has not heard any negative comments.

Mr. Buxton noted that the Proponent would continue to issue them.

It was asked if there were any extra copies of the newsletter.

Ms. MacApline replied yes and provided copies to the questioner.

Ms. Nesbitt asked if there were any other questions.

Ms. Nesbitt noted the next meeting would be scheduled for three weeks from tonight.

Ms. Angrignon asked if some of the work at the quarry would be done by then.

Mr. Buxton replied yes, they will have started by then.

Ms. Nesbitt thanked members and guests for attending and adjourned the meeting at 8:45 pm.

Next meeting date is April 30, 2003 at 7:00 pm at Rossway Community Center.

Annex V

Ballast Water Procedures for Vessels Proceeding to Ports on the East Coast of Canada

1.0 Reporting

1.1 Reporting requirements under section 7 shall be fulfilled in accordance with the implementation of these guidelines.

1.2 Ballast Water Reporting Forms shall be sent by facsimile to Transport Canada Marine Safety.

Facsimile (902) 426-6657
Phone (902) 426-7725
E-mail: balabam@tc.gc.ca

1.3 Ballast water exchange and/ or ballast water management information provided will be verified on board the vessels, on a random basis.

2.0 Alternative Ballast Water Exchange Zones (ABWEZ)

2.1 The delineation of suitable alternative ballast water exchange zones and the determination of possible exemptions is subject to scientific studies and consultation with the appropriate scientific authorities. Locations for ABWEZ are being investigated and may be included in the Annex V at a future date. In the meantime vessels are encouraged to comply with these guidelines as far as it is safe and practicable.

3.0 Ballast water samples collection

3.1 The master of any vessel is asked to give a researcher collecting ballast water samples all reasonable assistance to enable the sampler to collect relevant ballast water samples and gather information in connection with the ballast water management program. Information obtained during this process will be used in order to provide the scientific basis for the future development and implementation of Annex V.

<http://www.tc.gc.ca/MarineSafety/Tp/Tp13617/Tp13617e.htm>

8.0 Discharge of Ballast Water

8.1 Subject to the appropriate regional ballast water annex as outlined in section 12, ballast water taken on in areas outside waters under Canadian jurisdiction should not be discharged in waters under Canadian jurisdiction, unless one of the ballast water management options specified in section 9 has been successfully performed.

8.2 In exceptional circumstances where the procedures in 8.1 can not be successfully performed, conditions of discharge may be specified by the appropriate regional authority as noted in Annexes II to V.

9.0 Ballast Water Management Options

9.1 Ballast Exchange

9.1.1 Vessels utilizing ballast exchange should conduct ballast exchange in locations where water depths are not less than 2000 metres, unless otherwise provided in the appropriate Regional Annex.

9.1.2 Alternative Exchange Zones – In exceptional circumstances, where it may not be

possible to exchange ballast water due to weather, sea or any other conditions the master feels may endanger human life or the safety of the vessel, alternative exchange zones may be utilized on notification of the appropriate marine communications and traffic services officer, as noted in section 7.2(vii). The use of alternative exchange zones may also be appropriate for vessels that are not able to comply with section 9.1.1 because they do not voyage into mid-ocean where water depths are greater than 2000 metres. Masters are advised to consult the appropriate Regional Ballast Water Management Annex.

9.1.3 Sequential Exchange - All of the ballast water should be discharged until suction is lost, and stripping pumps or educators should be used if possible. Operations shall be logged.

9.1.4 Flow Through Exchange - If flow through methods are employed at least three times the tank volume should be pumped through the tank. Calculations indicating the amount of water to be utilized and pumping rates required to achieve this shall be recorded.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. April 30, 2003

Rossway Community Hall

In attendance: Mr. John Ivens, Acting CLC Chair
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mrs. Marian Angrignon
Ms. Genie Wilkins
Ms. Marilyn Stanton
Mr. Chester Dugas
Ms. Elizabeth Robbin
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Ms. Cindy Nesbitt, CLC Chairperson, Mr. David Graham, CLC Member;
Mr. Brian Cullen, CLC Member; Mr. Mark Jeffrey, CLC Member

Mr. Ivens welcomed everyone to the meeting and noted that he would chair the meeting, as Ms. Nesbitt would not be in attendance. He noted that he did not have an agenda available and asked if Mr. Buxton would provide the agenda.

Mr. Buxton replied that Ms. Nesbitt usually provided the agenda for the meetings.

Mr. Ivens asked if the minutes of April 9, 2003 were ready for approval.

Mr. Buxton replied the minutes of April 9, 2003 would be ready for circulation within days.

Mr. Ivens opened the floor for questions, concerns or if Mr. Buxton has an update.

Mr. Buxton noted that work had been going on for the last two weeks on the 4 HA site. He noted that 200 bales of hay had been delivered to the site for environmental control purposes, which had later been destroyed by vandals. He further noted that it was fortunate the fire did not spread up the mountain and into the surrounding wooded area.

Mr. Buxton noted that a fence had been installed across Whites Cove Road and along the north-south edge of the quarry and a NO ACCESS sign had been posted as NSDOEL prohibits access to the site without safety gear. He noted a company representative must accompany anyone entering the site. He further noted that there had been some difficulty with people entering the site while work is underway and when requested they remove themselves from the site they refused to do so. He noted that the Proponent would have to advise NSDOEL if this continues.

Mr. Buxton noted that the fence across Whites Cove Road is to prohibit access to the site but a gate is available for periwinkle harvesters use with a sign to be posted advising them of its use.

Mr. Buxton noted that in terms of recent publicity there had been a letter sent to the Chronicle Herald, which indicated that the quarry site jobs paid minimum wages. He noted that the CLC members were given a list of the jobs and wage schedule and it is possible that the Proponent failed to get the point across to the public that these are not minimum wage paying jobs.

Mr. Ivens agreed that this information had been provided to the CLC members on two separate occasions and that it was noted the positions are not minimum wage positions. Mr. Buxton noted that the information was also given out to the job applicants. He noted that there are four workers on site and that their wages are within range of what had been predicted.

Ms. MacAlpine noted that Ms. Nesbitt has a copy of the manpower schedule and the pay scale available for public viewing.

Mrs. Carty agreed that the CLC members have a copy of this.

Mr. Buxton asked if any of the CLC members had been asked about the positions or pay scale.

Mrs. Carty replied yes.

Mr. Ivens noted he had been asked.

Mr. Buxton asked if it was felt that the Proponent needed to provide more information to the public in regards to the pay scale.

Mr. Ivens noted that if an article appeared in the Chronicle Herald it would be a good idea to do this and he suggested it could be provided in the next newsletter.

Mr. Buxton replied that the Proponent is clearly not getting the information out and we have to respond to that.

Mr. Buxton noted in reference to the 4 HA quarry, which is what this committee is charged with looking at on an ongoing basis, work has commenced to start the quarrying operation and a final rehabilitation plan was submitted to NSDOEL last week. He noted the Proponent has had no response as yet. He further noted that the Proponent has forwarded additional security to the NSDOEL with respect to our estimates of costs to rehabilitate the 3.9-hectare site. He will advise the committee when the response is received as to whether the plan is satisfactory or not.

Mr. Buxton noted that most of the questions over the past several months have been in regards to the larger quarry so he will bring the committee up to date on that issue. He noted that the DFO has advised that they will be the Responsible Authority with respect to a federal CEA (Canadian Environmental Assessment), which will be carried out under the Canadian Environmental Assessment Act. He further noted that no other federal agency indicated that they wished to be Responsible Authorities. DFO is the only agency that has expressed interest in the project. On the provincial side NSDOEL will be represented and it will be a joint assessment process. A Memorandum of Understanding is being drafted between the federal agency DFO and the provincial agency NSDOEL. The document will be made public when it is prepared. He also noted that a Scoping Document is being drafted by DFO and NSDOEL, which may be completed in May 2003.

Mr. Ivens asked what is the Scoping Document.

Mr. Buxton replied the Scoping Document will clearly set out what the Responsible Authorities will require to be covered in the comprehensive study report which will be submitted at a later date. He noted that DFO as the Federal Responsible Authority will be setting up a public registry which is required under Section 55 of the Canadian Environmental Assessment Act. **(See Appendix 1 – CLC Minutes April 30, 2003).**

Mr. Buxton noted that the registry will be set up by DFO not by the Proponent and every formal document will be filed in the public registry and he noted that everyone will have access to these documents. He noted that it is expected that within the next two weeks a Memorandum of Understanding will be made available for public comment. He further noted that the document sets out the Federal and Provincial agencies involved, the relationship between the agencies, etc. he noted that the draft of the Scoping Document will also be made available for public comment.

Mr. Buxton asked if there were any questions in regards to the registry process. He noted that the project description will be posted on the registry.

Mr. Buxton noted that it had been requested that a qualified professional attend this meeting in regards to ballast water. He noted that the experts seem to be located in Ottawa but the Proponent has been referred to someone from Dalhousie who they have attempted to contact to assess his qualifications and whether he will make a presentation. He further noted that most questions would probably be of a scientific and biological nature as opposed to the guidelines discussed at the recent meeting.

Mr. Buxton noted that it was also suggested that when the archeological report was completed and accepted by the Nova Scotia Museum the archeologist would discuss the report with the CLC. The final report will be filed with the NS Museum next week and a meeting can be scheduled accordingly.

Mr. Ivens asked if reminder calls could be made advising members who will be presenting what at the meeting.

Mr. Buxton replied that meeting times may need to be rescheduled to accommodate the schedule of the individuals attending and that it would be advised who will be at the meeting.

Mr. Buxton noted it would be useful if committee members could deliver the message that it's a construction site and an offense under NSDOEL regulations to go on site without protective gear. Anyone doing so could be fined along with the contractor because they are responsible for keeping people off the site. He noted that the Proponent will have no alternative but to file a complaint with NSDOEL if people persist in coming on site against regulations. He further noted it is a very dangerous for anyone without protective gear and any CLC member wishing to go on site need only to advise the Proponent so protective gear can be arranged.

Mr. Buxton noted that the four employees are local people and have been under considerable abuse from these trespassers when asking them to remove themselves from the site.

Mrs. Carty asked if someone is working on site 24 hours.

Mr. Buxton replied no.

Mrs. Carty asked what if someone goes there and no one is there to tell them to get off the site.

Mr. Buxton replied there is a sign.

Mrs. Carty asked if the Proponent is responsible if there is no one there to ask them to leave.

Mr. Buxton replied yes.

Mrs. Carty asked if the Proponent is still responsible.

Mr. Buxton replied yes, the contractor is responsible. He noted that the equipment is removed from the site at night because of potential vandalism, which is very expensive to do. Mr. Ivens noted they are responsible as with any construction to make sure no one goes on site.

Mr. Buxton noted that if they refuse to leave the site it makes for a very difficult situation.

Mr. Ivens asked if it would involve a stop work.

Mr. Buxton replied they would have to stop work and call the authorities to remove them from the site not because they are trespassing but because they are on a work site in contravention of the NSDOEL regulations.

Mrs. Angrignon asked if these trespassers are male or female.

Mr. Buxton replied they are both but it was a male individual that was abusive. He noted that these are legal issues under regulations of the NSDOEL. The Proponent is absolutely required by law to prevent people from accessing the job site without safety gear. He further noted that if people want to go on the job site they have to be conducted by someone in authority and wear protective gear.

Mrs. Carty asked if the security was going to start when the actual quarry is in operation.

Mr. Buxton replied the Proponent had not planned for overnight security and he can't advise whether it would be more or less expensive than taking the equipment off site overnight.

Mrs. Carty asked where are they taking the machinery.

Mr. Buxton replied they are taking them onto local properties.

Mrs. Angrignon noted that even a compound probably would not be safe.

Mr. Buxton noted they had planned to install a shed but when the hay was burnt it was decided not to because it may also be subject to destruction.

Mr. Ivens noted that it was a shame about the hay being burnt.

Mr. Buxton noted the Proponent has a burning permit to conduct operations on site and that procedure has been followed very carefully. He noted that the destruction of the hay might have caused damage to the mountain and beyond and that there has been a complaint that the Proponent was illegally burning. The Department of Natural Resources investigated but discovered the Proponent was in total compliance with all the conditions of the permit. He further noted that in regards to matters of safety the CLC members could advise people that the company is required by law to prohibit people from the job site without proper safety gear and proper supervision.

Mrs. Angrignon asked what are they coming for.

Mr. Buxton replied he can't speculate, there are photographers and others but they can't be allowed on the job site and NSDOEL will not discriminate if anyone is found on the jobsite without protective gear they will be fined. Our problem is we will be fined as well. At this point all we can do is request that they leave the job site.

Mr. Ivens asked if there were any other questions.

Ms. Harnish asked if anyone was caught setting the fire.

Mr. Buxton replied no. The arson, which is a federal offence, was reported to the RCMP as required by insurance but it will be difficult to determine a culprit.

Ms. Harnish noted that fire is a great fear for the elderly people on the Neck.

Ms. Angrignon agreed this is of great concern to the elderly.

Mr. Ivens noted that on the islands there is one way on and one way off.

Mr. Buxton noted that the fire was confined to the area where the bales of hay were stored and it did not spread into the brush, which was 20 – 30' away from the fire. He noted if there had been a shed it would have gone too.

It was asked if equipment is there to fight fire.

Mr. Buxton replied yes the equipment is there while they are on the site but it is not left overnight. He noted there are fire backpacks and water drums. He further noted that there was fire damage to the spigots on the water drums so they wouldn't have been able to get water from the drums. The situation is safer now that the brush in the immediate area is gone. Mrs. Carty asked if Digby Neck burnt because of this foolishness wouldn't it look a lot worse for the quarry.

Mr. Buxton replied it may have been kids having a bit of mischief.

Mrs. Carty replied that rumours suggest the culprits were not kids but grown men.

It was asked if the hay was to stop the silt.

Mr. Buxton replied yes and that hay is difficult to replace and it is very expensive at this time of year. He noted that it was brought in from the South shore.

It was asked if this defeated the environmental purpose to burn it.

Mr. Buxton replied yes the Proponent had put two sets of environmental controls in place. He noted a culvert at the bottom of the hill under the highway, which has been allowing silt into the Bay for many years. The Proponent undertook to put a barrier of hay bales and silt blankets on both sides of the road. He noted it is not their property and he advised NSDOEL of this and on the other side where the old pit was there is a movement of water through that and a barrier with silt blankets has been placed there to prevent any siltation coming out of our work and going into the Bay. He further noted plans to place a second barrier, which will have to wait until the hay has been replaced. If people destroy our environmental controls it is difficult to replace them quickly before some damage may be done.

Mr. Ivens asked if it is standard way this is done, to use hay bales to stop silt runoff.

Mr. Buxton noted that this is a temporary measure that is used for a few months. A filter blanket is placed in the front of 2 bales of hay and the water has to penetrate the blanket and hay.

Mr. Ivens noted he has seen this used before.

Mr. Buxton replied they are not permanent measures they are construction measures. For permanent measures they would use baskets with rock and filter blankets.

Mrs. Carty asked if the people employed are local people.

Mr. Buxton replied yes. He noted that one employee is from Sandy Cove.

Mrs. MacAlpine noted they are from Digby and Marshalltown.

Mr. Buxton noted that many of the applications for jobs are from truck drivers or machine operators. He noted that they had engaged a man from Sandy Cove.

Mrs. MacAlpine replied they had employed this man but due to back problems he couldn't work at this time. She noted there had been another from Centerville but he was unable to take the position as well. She noted there were not a lot of applicants with ground labour experience.

Mrs. Angrignon asked if the ponds are under construction yet.

Mr. Buxton replied not yet, possibly next week but it will only be a portion of the pond to ensure that any silt produced on site will be contained. He noted they have been burning the brush in the pit area and there is a layer of water on the bottom. He further noted they have started clearing the hillside of brush and roots for disposal. Any useful soil will be stored and

temporarily seeded for reclamation use later. Anything that can be safely burnt will be and there will be a chipper on site to use the chips in reclamation.

Mr. Ivens asked if there were any other questions.

Mr. Buxton noted the two outstanding issues were ballast water and the archeological study.

Mr. Ivens asked if the time and date for the next meeting could be set.

Mr. Buxton replied that a meeting can be tentatively scheduled for May 28, 2003 at 7 pm at the Rossway Community Hall.

Mrs. Carty asked if meetings would continue through the summer months.

Mr. Buxton replied that this is the decision of the chairperson. He noted that there may be a gap in the proceedings while the comprehensive study report is being prepared and the draft is being filed. He further noted that the draft will be an internal draft and will come back to the Proponent with revisions and we will then file the comprehensive study report which will go onto the public registry and there may be a period of 6 – 8 weeks before it is placed on public registry.

Mr. Ivens asked if there were any other questions.

Meeting adjourned at 8:05 pm.

Next meeting date is May 28, 2003 at 7:00 pm at Rossway Community Center.

Important Note:

Canadian Environmental Assessment Act (CEAA)
Public Registry Requirement
Release of Documents (Public Access)

The *Canadian Environmental Assessment Act* (CEAA) is based on the principle of giving the public an opportunity to participate in the environmental assessment process. To this end, section 55 of CEAA imposes two main obligations on Responsible Authorities (RAs):

- to establish a public registry, containing all records relating to the environmental assessment of each project as set out in subsection 55(3) of CEAA; and
- to operate such a registry in a manner to ensure convenient public access to it.

There may be some information contained within a record that you provide which might be excluded from being put on the Public Registry (i.e., for public disclosure), if it meets the criteria for exclusion as set out in paragraphs 55(4)(b) and (c) of CEAA. Examples of this type of information would be:

- Trade secrets;
- Financial, commercial, scientific or technical information that is confidential information;
- Information the disclosure of which could reasonably be expected to result in material financial loss or gain to you or to prejudice your competitive position;
- Information the disclosure of which could reasonably be expected to interfere with your contractual or other negotiations; and
- Personal information.

A copy of section 55 of CEAA is enclosed for your easy reference. Please note the references made in section 55 to the *Access to Information Act*.

Fisheries and Oceans Canada (DFO), in its role as RA under CEAA, must address concurrently, in a manner that meets the spirit of CEAA:

- The proponent's right to protect certain information from public disclosure;
- The proponent's expectation of completing the assessment within a reasonable time frame; and
- The public's right to access the relevant information.

Should you believe that information that you are submitting might qualify for exclusion from the public registry, please clearly identify this portion(s) of the information and provide, in writing, the rationale for its exclusion at the time of submission. For your convenience, **Form B** (CEAA Public Registry Exclusion Form) is attached which can be

used for this process. The rationale will be reviewed by DFO under section 55 of CEAA to determine if the information should be excluded from public disclosure.

If you have no reason to request that information be excluded from the public registry on the basis of section 55 of CEAA, please sign and return the enclosed **FORM A** indicating your consent to unrestricted disclosure, without any exclusions, of the information. Please note that, in the interest of efficiency, such consent will apply to all documents/records that you will provide to DFO, at any time, as part of the Environmental Assessment.

If, subsequently, at the time of filing a particular document, you decide to withdraw your consent for disclosure in respect of that document, you will have to notify us in writing, providing reasons (preferably by completing and sending FORM B), and we shall proceed with a review as referred to above.

For further information concerning the CEAA process and the public document registry please refer to the "REFERENCE GUIDE to the Public Registry" on the Internet at www.ceaa.gc.ca or contact the local CEA Agency Office for a copy of the guide.

ATTACHMENTS:

- FORM A - CEAA Public Registry Release Form
- FORM B - CEAA Public Registry Exclusion Form
- SECTION 55 OF CEAA

Canadian Environmental Assessment Act (CEAA) – Public Registry s. 55

Access To Information

Public Registry

- 55.(1) For the purpose of facilitating public access to records relating to environmental assessments, a public registry shall be established and operated in a manner to ensure convenient public access to the registry and in accordance with this Act and the regulations in respect of every project for which an environmental assessment is conducted.

Public registry established

- (2) The public registry in respect of a project shall be maintained
- (a) by the responsible authority from the commencement of the environmental assessment until any followup program in respect of the project is completed; and
 - (b) where the project is referred to a mediator or a review panel, by the Agency from the appointment of the mediator or the members of the review panel until the report of the mediator or review panel is submitted to the Minister.

Contents of public registry

- (3) Subject to subsection (4), a public registry shall contain all records produced, collected, or submitted with respect to the environmental assessment of the project, including
- (a) any report relating to the assessment;
 - (b) any comments filed by the public in relation to the assessment; [*S.C. 1993, c. 34, s. 38 (French)*]
 - (c) any records prepared by the responsible authority for the purposes of section 38;
 - (d) any records produced as the result of the implementation of any followup program;
 - (e) any terms of reference for a mediation or a panel review; and
 - (f) any documents requiring mitigation measures to be implemented.

Categories of information to be made publicly available

- (4) A public registry shall contain a record referred to in subsection (3) if the record falls within one of the following categories:
- (a) records that have otherwise been made available to the public in carrying out the assessment pursuant to this Act and any additional records that have otherwise been made publicly available;
 - (b) any record or part of a record that the responsible authority, in the case of a record under its control, or the Minister, in the case of a record under the Agency's control, determines would have been disclosed to the public in

accordance with the *Access to Information Act* if a request had been made in respect of that record under that Act at the time the record comes under its control, including any record that would be disclosed in the public interest pursuant to subsection 20(6) of that Act; and
(c) any record or part of a record, except a record or part containing third party information, if the responsible authority, in the case of a record under the responsible authority's control, or the Minister, in the case of a record under the Agency's control, believes on reasonable grounds that its disclosure would be in the public interest because it is required in order for the public to participate effectively in the assessment.

Third party information

- (5) Sections 27, 28 and 44 of the *Access to Information Act* apply, with such modifications as the circumstances require, to any determination made under paragraph (4)(b) in respect of third party information, and, for the purpose of section 27 of that Act, any record referred to in paragraph (4)(b) shall be deemed to be a record that the responsible authority or the Minister intends to disclose and, for the purpose of applying that Act, any reference in that Act to the person who requested access shall be disregarded if no person has requested access to the information.

Protection from civil proceeding or prosecution

- (6) Notwithstanding any other Act of Parliament, no civil or criminal proceedings lie against a responsible authority or the Minister, or against any person acting on behalf of or under the direction of a responsible authority or the Minister, and no proceedings lie against the Crown or any responsible authority for the disclosure in good faith of any record or any part of a record pursuant to this Act, for any consequences that flow from that disclosure, or for the failure to give any notice required under section 27 or any other provision of the *Access to Information Act* if reasonable care is taken to give the required notice.

Meaning of "third party information"

- (7) For the purposes of this section, "third party information" means
- (a) trade secrets of a third party;
 - (b) financial, commercial, scientific or technical information that is confidential information
supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
 - (c) information the disclosure of which could reasonably be expected to result in material
financial loss or gain to, or could reasonably be expected to prejudice the competitive
position of, a third party; and
 - (d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.